JOURNAL

OF THE

REGULAR SESSION

OF THE

House of Representatives

OF THE

Commonwealth of Kentucky

Begun and Held in the City of Frankfort, the Second Day of January, in the Year of Our Lord, 1912, and of the Commonwealth, One Hundred and Twenty

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PROPERTY OF THE STATE OF KENTUCKY

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Index at End of Vol. 2

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 2, 1912.

At a General Assembly of the Commonwealth of Kentucky, began and held at the Capitol, in the city of Frankfort, on Tuesday the 2nd day of January, in the year of our Lord one thousand nine hundred and twelve and the one hundred and twentieth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, James E. Stone, Chief Clerk of the House of Representatives last passed, called the House to order and after prayer by the Rev. F. B. Eberhardt of the First Baptist church of the city of Frankfort, produced and read the following certificate from the Secretary of State, viz.:

COMMONWEALTH OF KENTUCKY,

OFFICE OF THE SECRETARY OF STATE.

I, Ben L. Bruner, Secretary of State of the Commonwealth of Kentucky, hereby certify that at a regular election held on the 7th day of November, 1911 the following named persons were duly elected as members of the House of Representatives of the Commonwealth of Kentucky from their respective districts as appears from certificates of election on file in my office, to-wit:

From the counties of Hickman and Fulton—W. J. Jackson.
From the counties of Ballard and Carlisle—L. B. Owen.
From the county of Graves—T. J. Gregory
From the county of McCracken—Robert H. Scott.
From the county of Calloway—Henry Chunn.
From the counties of Lyon and Marshall—J. M. Bean.
From the counties of Crittenden and Livingston—M. F. Pogue.
From the county of Trigg—A. B. Holland.
From the county of Caldwell—R. H. Akin.
From the county of Christian—Hiram Brown.
From the county of Hopkins—Ed. L. Young.
From the county of Webster—David W. Wiley.
From the county of Henderson—Ben E. Niles.
From the county of Union—G. L. Drury.
From the county of Daviess—County—J. H. Elder.
From the county of Daviess—Owensboro—Eli Berry.
From the county of McLean—F. A. Lochry.
From the county of Muhlenberg—George Baker.
From the county of Todd—S. Walton Forgy.
From the county of Logan—W. V. Perry.
From the county of Simpson—V. D. Hammond.
From the county of Allen—Earl C. Huntsman.
From the county of Warren—Bowling Green—W. Frank Cole.
From the county of Warran—County—A. W. Palmer.
From the counties of Butler and Edmonson—Allie T. Gaines.
From the county of Ohio—James Albert Leach.
From the county of Grayson—Yeaman Watkins.
From the county of Breckinridge—William Ahl.
From the county of Hancock—John G. Kelly.
From the county of Meade—D. Clarence Gray.
From the county of Hardin—W. A. Shawler.
From the county of Larue—James R. Howell.

33 From the county of Hart—S. F. Middleton.
34 From the county of Barren—Elkanah Dickey.
35 From the counties of Monroe and Metcalfe—W. Scott Smith.
36 From the counties of Wayne and Clinton—A. V. Bertram.
37 From the counties of Adair and Cumberland—W. S. Sinclair.
38 From the counties of Green and Taylor—W. N. McCubbin.
39 From the county of Nelson—Wallace Brown.
40 From the county of Marion—S. H. Rogers.
41 From the counties of Bullitt and Spencer—David B. Thurman.
42 From the county of Washington—John A. Polin.
43 From the counties of Casey and Russell—Henry Thomas.
44 From the county of Jefferson—County—Luther C. Owings.
45 From the city of Louisville, 1st. Ward—Charles H. Knight.
46 From the city of Louisville, 2nd and 3rd Wards—Adam Saphn.
47 From the city of Louisville, 4th and 5th Wards—W. J. Kuh.
48 From the city of Louisville, 6th and 7th Wards—Peter Lee Atherton.
49 From the city of Louisville, 8th and 9th Wards—William A. Perry.
50 From the city of Louisville, 10th Ward—Emanuel Meyer.
51 From the city of Louisville, 11th and 12th Wards—Samuel L. Robertson.
52 From the counties of Oldham and Trimble—Claud B. Terrell.
53 From the counties of Carroll and Gallatin—E. F. Egleston.
54 From the county of Henry—E. Bishop.
55 From the county of Shelby—J. W. Holland.

56 From the county of Franklin—Elwood Hamilton.
57 From the county of Anderson—J. R. Paxton.
58 From the county Scott—E. B. Wiley.
59 From the county of Woodford—H. A. Schoberth.
60 From the county of Owen—Charles Yancy.
61 From the county of Fayette—County—C. B. Nichols.
62 From the county of Fayette—Lexington—John G. Stoll.
63 From the county of Jessamine—Hugh Mahin.
64 From the county of Mercer—George P. Chinn.
65 From the county of Boyle—Francis B. Douglas.
66 From the county of Lincoln—W. H. Shanks.
67 From the county of Garrard—John M. Farra.
68 From the county of Pulaski—Eli Farmer.
69 From the counties of Whitley and Knox—W. F. Parker.
70 From the counties of Laurel and Rockcastle—E. B. Thompson.
71 From the counties of Clay, Jackson and Owsley—John F. Brewer.
72 From the county of Madison—L. B. Herrington.
73 From the counties of Estill and Powell—B. J. Matthews.
74 From the county of Clark—R. Dillard Hunter.
75 From the county of Bourbon—Sidney G. Clay.
76 From the county of Harrison—James A. Leach.
77 From the county of Grant—C. W. Burton.
78 From the county of Boone—G. E. Carroll.
79 From the county of Pendleton—John F. Fryer.
80 From the county of Kenton—County—Charlton B. Thompson.
81 From the city of Covington, 1st, 2nd, 3rd, 6th, 9th and 10th Wards—W. A. Price.
82 From the city of Covington, 4th, 5th, 7th and 8th Wards —Harry J. Myers.
83 From the county of Campell—County—Louis Teiman.
84 From the city of Newport—Chas. D. McCrea.
85 From the county of Bracken—H. C. Blades.

86 From the counties of Nicholas and Robertson—Green R. Keller.
87 From the county of Mason—Stanley F. Reed.
88 From the county of Fleming—Sid J. Collins.
89 From the county of Lewis—Thos. M. Bertram.
90 From the counties of Montgomery and Menifee—W. L. Craig.
91 From the counties of Morgan and Wolfe—A. H. Stamper.
92 From the counties of Breathitt, Lee and Magoffin—A. B. Hatton.
93 From the counties of Bell, Harlan, Leslie and Perry—Eugene Asher.
94 From the counties of Bath and Rowan—B. S. Wilson.
95 From the county of Pike—Wm. L. Bowling.
96 From the counties of Johnson and Martin—M. C. Kirk.
97 From the counties of Knott, Floyd and Letcher—Joe Hall.
98 From the counties of Boyd and Lawrence—R. C. McClure.
99 From the county of Greenup—J. Howard Williams.
100 From the counties of Elliott and Carter—W. E. King.

Witness my hand and official seal, this the 28th day of December, 1911.

(Seal)

BEN L. BRUNER,
Secretary of State.

The roll of members was called and the following members answered to their names, viz.:

William Ahl	Thos. M. Bertram	G. E. Carroll
Robert H. Akin	E. Bishop	George P. Chinn
Eugene G. Asher	H. C. Blades	Henry Chunn
P. L. Atherton	John F. Brewer	Sidney G. Clay
George Baker	Hiram Brown	W. Frank Cole
J. M. Bean	Wallace Brown	Sidney J. Collins
Eli Berry	Wm. L. Bowling	W. L. Craig
A. V. Bertram	C. W. Burton	Elkanah Dickey

Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Claude B. Terrell
—100

The oath of office was then administered to each and all of said members by the Hon. John D. Carroll, Judge of the Court of Appeals.

The said Chief Clerk then announced that the election of a Speaker of the House of Representatives was in order.

Mr. Young named Hon. Claude B. Terrell of the county of Trimble, as a suitable person to fill said office.

Mr. E. B. Thompson named Hon. R. C. McClure of the county of Lawrence, as a suitable person to fill said office.

The vote being taken between those named resulted as follows:

Those who voted for Mr. Terrell were—

Robert H. Akin
P. L. Atherton
J. M. Bean
Eli Berry
A. V. Bertram
E. Bishop
H. C. Blades
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—76

Those who voted for Mr. McClure were—

William Ahl
Eugene G. Asher
George Baker
Thos. M. Bertram
John F. Brewer
Hiram Brown
Wm. L. Bowling
W. Frank Cole
Eli Farmer
Allie T. Gaines
Earl C. Huntsman
M. C. Kirk
J. Albert Leach
B. J. Matthews
Emanuel Meyer
W. N. McCubbin
W. F. Parker
Walter S. Sinclair
W. Scott Smith
John G. Stoll
Henry Thomas
E. B. Thompson
Yeaman Watkins
Claude B. Terrell
—24

Mr. Terrell having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared duly elected Speaker of the House of Representatives.

The Clerk aforesaid appointed Messrs. Wallace Brown, H. A. Schoberth, E. L. Young and R. C. McClure a committee to inform the Speaker-elect of the action of the House and to escort his to the chair.

The Speaker returned his thanks to the House for the honor conferred, recommended and urged the proper observance of order and decorum an announced that he was now ready to take the oath of office, which said oath was administered to him by the Hon. H. A. Schoberth, a member of this House, the longest in commission.

The Speaker then announced that the next order of business was the election of a Chief Clerk of this House.

Mr. Young named James E. Stone, of Breckinridge county, as a suitable person to fill said office.

Mr. E. B. Thompson named J. H. McCubbins, of Jefferson county, as a suitable person to fill said office.

The vote being taken between those named resulted as follows, viz:

Those who voted for Mr. Stone were—

Robert H. Akin	A. V. Bertram	C. W. Burton
P. L. Atherton	E. Bishop	G. E. Carroll
J. M. Bean	H. C. Blades	George P. Chinn
Eli Berry	Wallace Brown	Henry Chunn

Sidney G. Clay
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James K. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—76

Those who voted for Mr. McCubbin were—

William Ahl
Eugene G. Asher
George Baker
Thos. M. Bertram
John F. Brewer
Hiram Brown
Wm. L. Bowling
W. Frank Cole
Eli Farmer
Allie T. Gaines
Earl C. Huntsman
M. C. Kirk
J. Albert Leach
B. J. Matthews
Emanuel Meyer
R. C. McClure
W. N. McCubbin
W. F. Parker
Walter S. Sinclair
W. Scott Smith
John G. Stoll
Henry Thomas
E. B. Thompson
Yeaman Watkins
—24

Mr. Stone having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared to be duly elected as Chief Clerk of the House of Representatives.

The Speaker then announced that the next order of business was the election of an Assistant Clerk of this House.

Mr. Young named Wm. Oscar Wicker, of the county of Crittenden, as a suitable person to fill said office.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of all the members of this House for the said Wm. Oscar Wicker, which was done as follows:

Those who voted for Mr. Wicker were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed

S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—100

The Speaker then announced that the next order of business was the election of an Enrolling Clerk.

Mr. Young named Miss Mary Robards, of the county of Mercer, as a suitable person to fill said office.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of all the members of this House for Miss Robards, which done as follows:

Those who voted for Miss Robards were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach

F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—100

The Speaker then announced that the next order of business was the election of a Sergeant-at-arms.

Mr. Young named Oscar Vest, of Carroll county, as a suitable person to fill said office.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of all the members of this House for Mr. Vest, which was done as follows:

Those who voted for Mr. Vest were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra

S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—100

The Speaker then announced that the next order of business was the election of a door-keeper.

Mr. Young named Joseph F. Richardson, of Muhlenberg county, as a suitable person to fill said office.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of all the members of this House for Mr. Richardson, which was done as follows:

Those who voted for Mr. Richardson were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean

Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—100

The Speaker then announced that the next order of business was the election of a Janitor.

Mr. Young named T. Shipman Wasson, of Franklin county, as a suitable person to fill said office.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of the members of this House for Mr. Wasson, which was done as follows:

Those who voted for Mr. Wasson were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell

—100

The Speaker then announced that the next order of business was the election of two Cloak Room Keepers.

Mr. Young named Messrs. Albert Salyers, of Franklin county, and Lawrence Cook, of ..... county, as suitable persons to fill said offices.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of all the members of this House for Messrs. Salyers and Cook, which was done as follows:

Those who voted for Messrs. Salyers and Cook were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
J. M. Bean
George Baker
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price

Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—100

The Speaker then announced that the next order of business was the election four pages.

Mr. Young named Messrs. Charles Hatton, James Egleston, Robert Dunn and Isaac Beauchamp as suitable persons to fill said offices.

Mr. E. B. Thompson moved that the Chief Clerk be directed to cast the unanimous vote of all the members of this House for those above named, which was done as follows:

Those who voted for the above named as Pages were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley

W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—100

All the aforesaid officers elected by the House took the oath of office as required by the Constitution and laws of Kentucky, which was administered by the Speaker of the House.

Mr. Niles offered the following resolution, viz.:

Resolved, That a committee of three members of the House be appointed to notify the Senate that this House of Representatives is fully organized and ready to proceed with the business of this General Assembly; and that said committee act in conjunction with a similar committee on the part of the Senate to inform the Governor that this General Assembly is fully organized and in session and will be pleased to receive any communication he may desire to make.

Which was adopted.

Thereupon the Speaker appointed Messrs. Niles, W. V. Perry and McClure as said committee.

Said committee retired and after a time returned and reported that they had discharged that duty.

Mr. Wilson offered the following resolution, viz.:

Resolved that the rules which controlled and governed the House of Representatives during the sessions of the General Assembly last passed shall be and and they are hereby declared to be the rules governing this House until the adoption of the report of the Committee on Rules.

Which was adopted.

Mr. Hamilton offered the following resolution, viz:

Resolved that the Speaker be authorized and directed to appoint a committee to be composed of nine members to be known as Committee on Rules, of which the Speaker shall be ex-officio member and chairman, and further that the Speaker be and he is hereby authorized to appoint the other standing committees of the House.

Which was adopted.

Mr. Lochry offered the following resolution, viz.:

Resolved that the Sergeant-at-arms be directed to invite the pastors of the various churches in Frankfort to attend the meetings of this House and open the sessions thereof with prayer.

Which was adopted.

A communication was received from the Frankfort Lodge Number 530, B. P. Elks, extending a cordial invitation to all the members and officials of the House to accept the privileges of the Elks' Club Room in this city during the present legislative session.

Which was unanimously accepted.

Mr. Nicols of the county of Fayette, in a very neat and appropriate speech presented to the House and the Speaker thereof a very beautiful gavel made of the wood of a tree which grew in the yard at Ashland, the home of Henry Clay.

Which was received and accepted by the Speaker for himself and on the part of the House with very appropriate remarks.

The Speaker laid before the House the biennial report of Hon. Ben L. Bruner, Secretary of State.

Which was received, its reading dispensed with and ordered to be filed and spread upon the Journal.

To the General Assembly of the
Commonwealth of Kentucky.

I beg to submit herewith biennial report of the Secretary of State from January 1, 1910, to December 30, 1911.

There has been collected on the desk of the Assistant Secretary of State during this time the sum of $9,820.00.

There has been collected on the desk of the Chief Clerk of the Corporation Department during this same period $20,974.50. This was collected as follows:

From Banks and Trust Companies $11,190.00.
From Building and Loan Associations $1,920.00.
Seals, Secretary of State, $500.00.

There has been collected from corporations for recording fees on articles and amended articles of incorporation, statements of corporations, license fees on Fraternal Insurance Companies, etc., etc., the sum of $7,364.50, making a total of $20,974.50.

There has been expended in running the Secretary of State's office, as clerk hire, etc., the sum of $16,267.60, leaving a balance in the Treasury to the credit of the Corporation Department of the Secretary of State for the past two years the sum of $4,706.90.

During the first two years of my administration as Secretary of State there was collected in fees, etc., as above mentioned, the sum of $16,784.94. During the same time there was expended for clerk hire, etc., $12,969.54, leaving a balance of $3,815.40. This makes a grand total of collections for the four years of $37,759.44. Deducting from this the grand total of expenses for the four years, $29,237.14, leaves a net balance in the Treasury for the four years to the credit of the Secretary of State in the Corporation Department the sum of $8,522.30.

It will be seen by this report that the business of the Corporation Department in the Secretary of State's office is increasing very rapidly. Correspondence during the past two years has been more than double what it was the first two years. A great deal of this has been caused by the Motor Vehicle Act, which was passed by the last Legislature and made compulsory upon the Secretary of State to enforce without making any specifiic provision for clerk hire to take care of the Automobile Department. It is to be hoped that the Legislature will correct this, along with other needed amendments to the Motor Vehicle Law.

There has been collected on the automobile desk and turned into the Treasury under the Motor Vehicle Law, passed by the General Assembly of 1910, from June 14, 1910,

the day the law went into effect, to June 13, 1911, the sum of $23,340.50, and from June 14, 1911, to December 30, 1911, the sum of $21,985.00, making a total from June 14, 1910, to December 30, 1911, of $45,325.50.

This makes a grand total of collections for the past two years from all sources, exclusive of the organization tax on corporations, of $76,120.00.

Therefore I would, after four years experience as Secretary of State, believing as I do from this experience, that I understand the situation and the needs of the office, respectfully submit for your consideration the suggestion that the law be so amended that the Secretary of State turn into the Treasury, as now provided by law, all the fees on the Assistant Secretary of State's desk and the fees collected in the Corporation Department and that he be allowed a sum not less than $8,500.00 nor exceeding $10,000.00 to be expended by the Secretary of State for clerk hire. This will be imperative in case the banks be taken from this office, as it will be seen, by an analysis of the report herewith submitted, that of the $20,974.50 in fees collected during the past two years, which were available for clerk hire, $11,190.00 of this was collected from banks, leaving only $9,784.50 collected from other sources; and as the Secretary of State for the past two years has expended more than $16,000.00 clerk hire it will therefore appear that without the fees from the banks as now collected it will be absolutely impossible for the Secretary of State to run his office on the amount of money available for clerk hire from other sources, but, as the Assistant Secretary of State has collected on his desk in fees more than $9,000.00 in the past two years, which amount is not now available for clerk hire but is clear money to the State, it is therefore right and proper that an appropriation of at least $8,500.00 a year be allowed the Secretary of State for the running expenses of his office.

In closing I would recommend that the Secretary of State's salary be increased to $5,000.00 per annum and that of the Assistant Secretary of State be increased to $2,500.00 per annum.

Most respectfully submitted this January 1st, 1912.

BEN L. BRUNER,
Secretary of State.

The Speaker laid before the House the biennial report of Thos. R. Wiard, Custodian of Public Buildings and Grounds.

Which was received, its reading dispensed with and ordered to be filed and spread upon the Journal.

TO THE MEMBERS OF THE GENERAL ASSEMBLY OF KENTUCKY.

Gentlemen:—Pursuant to the requirements of section 3942a of Kentucky Statutes, I have the honor to submit the following report of the amount expended through this department, for the two years beginning January 1, 1910, and ending December 31, 1911.

Executive Mansion	$ 1,574.45
Public grounds	8,623.24
Public buildings	4,910.68
Public offices: This includes coal, oil, ice, lights and all materials used in properly caring for the power plant and building	16,232.56
Engineers, firemen, porters and men on grounds	23,765.78
Custodian's salary	2,400.00
Total	$57,506.71

When appointed the building was new and in many respects incomplete, this required a larger expenditure for maintenance than will be necessary in the future.

The power plant required a considerable outlay to properly protect it; the building many things, among them a water line connecting with the mains of the Frankfort Water Company, this was absolutely necessary to protect both the building and power plant against a possible failure of the water supply in the power plant.

The grounds required more outlay than any other department, the appropriation for the grounds having become exhausted and the work in a very incomplete condition, it was thought best to continue the work and charge to Public Grounds; among the many things done, was the final grading of practically the entire front of the building, the laying of more than two acres of sod, the construction of a stone wall from the east line of approach along State street to Logan street and from this point along the west side of Logan street to the State property, the completion of concrete walks, the curbing along each side of entrance drives, stone wall at power plant, brick street along front of power plant, electric lights for approach, the purchase of equipment for keeping the lawns in first class condition, crushing nearly 2,000 yards of stone, raising grade of driveways, and constructing sidewalk in front of State Arsenal.

Constructed a driveway extending from the northeast end of building connecting with Logan street.

Partially constructed a roadway extending from plaza at north end of approach to building, to Logan street, we did not complete this roadway for the reason that the property of the State was not of sufficient width, it will require the purchase of approximately twenty-nine and three-tenths feet of ground fronting on Logan street running west on State street two hundred and nine feet, to carry out the lines of the landscape architect.

We submit for your consideration a list of improvements that we think would add greatly to the appearance of the grounds, and in some instances are very necessary.

Curb and gutter along the entire length of State property, and complete sidwalk on Shelby street.

Curb and gutter and sidewalk along State property on the west side of Logan street.

Consrete curb along each side or driveways, this is necessary to protect the grass from vehicles, and will lessen the cost of keeping grounds in proper condition.

Sidewalk extending from Shelby street to Logan street, on State street, if the plan of the landscape architect is carried out, will require the purchase of the ground above referred to.

Lights for the grounds, this may require an additional machine, and if installed, would recommend that a machine of fifty per cent more capacity, than would now be deemed necessary.

The construction of a retaining wall immediately in the rear of the power plant, in order to protect the power building from sliding dirt and rock, if this is not done, the building may, in the course of a few years be badly damaged.

Respectfully submitted,

THOMAS R. WIARD,

Custodian of Public Buildings and Grounds.

Approved:

E. FARLEY,

Superintendent.

The Speaker laid before the House the third biennial report of the State Racing Commission.

Which was received, its reading dispensed with and ordered to be filed.

A message was received from the Governor in writing.

Mr. Pogue moved that the session of this day be extended in order that the message from the Governor may be read.

Said motion was adopted.

The message of the Governor was then read in full as follows, viz.:

MESSAGE OF JAMES B. McCREARY, GOVERNOR OF KENTUCKY, TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, JANUARY 2, 1912.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

The Constitution of Kentucky declares that the Governor "shall from time to time give to the General Assembly information of the state of the Commonwealth and recommend to their consideration such measures as he may deem expedient."

In performing this duty as Governor, after being elected a second time by generous and patriotic people, I, with much pleasure, extend to each of you a cordial greeting and hearty welcome to the State Capitol and to Halls of Legislation.

You come from every part of the State, invested with power and authority by more than two millions of people, to serve them as Senators and Representatives. I believe you will perform your duties with minds untainted by party prejudice and unswayed by selfish or interested motives, that harmony and wise counsel will prevail in your sessions, and your efforts will so develop the material interests of the State and the general welfare as to make you merit the blessings of God and the gratitude of the people.

The General Assembly of Kentucky was never before confronted with problems of greater importance or of more vital interest than those which should be considered at the present session; and Seneators and Representatives have opportunities for achievements in legislation, which, if performed promptly, will reflect honor and credit upon themselves, and bring progress, improvement and development to the State.

Our political system is so constituted that we have a government by parties. When a party comes into power upon a platform, it is thus made clear that the crystallization into law of the principles therein set forth are desired by the people.

The platform upon which the Democratic party won a great victory at the last election places important responsibilities upon our party, and the duty of complying fully with the platform pledges rests upon every Democrat on the State ticket and every Democrat of the General Assembly, as well upon every Democrat in the State, and all the people are interested in a faithful, prompt compliance with the platform; and the members of the General Assembly should feel empowered and compelled to carry out the pledges of the platform.

I heartily recommend every declaration of the Democratic platform adopted at the last State convention, and to those who are charged with the sovereign function of legislation I look with confidence and satisfaction for prompt cooperation in the enactment of laws required by the platform.

Kentucky is fortunate in having worthy, intelligent and well-equipped Senators and Representatives composing the General Assembly, and I believe they will make a record which will be regarded by all as satisfactory and honorable.

Among the important measures endorsed by the Democratic platform and supported by the candidates for office at

the last election, and to which both State officers and members of the General Assembly are pledged, are the following:

A more efficient and more practicable common school system and educational institutions of the State, wisely and economically administered, and woman suffrage in school elections.

Wise and conservative laws such as will encourage road and bridge building in Kentucky, and reasonable State aid on condition that each county first does its part.

Submission to a vote of the people whether or not they desire to adopt an amendment of our State Constitution broadening the powers of the General Assembly so that it may classify property for the purpose of taxation; but the burden of taxation on the wealthy and corporations should not be lightened at the expense of the poor, the farmer, or the laboring man.

Change in the present method of electing Prison Commissioners of the State, and the removal of all politics from the management of our penal institutions.

The creation of a Department of Banking providing for competent inspection of all of our State institutions, and similar to the system now existing for National banks.

The nomination and election of United States Senators by direct vote of the people.

Organization and corporation among the farmers of the State, and also among laboring men; and the enactment of such constitutional laws as will protect them from the greed and oppression of the trusts and monopolies of the country, which are the direct fruit of Republican legislation.

Such laws as will, under appropriate penalties, destroy all corrupt lobbying, seeking to influence any legislative body in the Commonwealth on the subject of legislation or the election of officers by it.

Extension of the present Local Option Law as applied to the sale of liquors, which has been upheld by our highest court as valid and constitutional, so that the citizens of each and every county in the State may determine for themselves whether spirituous, vinous or malt liquors may be sold therein.

Direct Primary Election Law, providing that primary elections shall be conducted under lawful authority and at public expense.

Explicit and effective Corrupt Practice Act, which shall determine what campaign expenses shall be legitimate, and which shall provide for the compulsory publication, in detail, under heavy penalties, of the campaign expenses of every candidate for public office.

The creation of a Utilities Commission, under wise and proper restrictions, having ample powers to discharge its duties.

A law requiring that a Uniform System of Accounting be installed and conducted in all public offices charged with the collection and disbursement of public money.

The enactment of wise laws for the protection from accident and injury of all laborers engaged in hazardous employment, and wise, conservative laws regulating the arbitration of labor strikes and disputes.

A law prohibiting Peonage and Female Slave Trade, regardless of color.

Opposition to all mobs and lynching, and imposition of the severest penalty possible under our Constitution upon all officers who fail to protect prisoners entrusted to their keeping.

Religious as well as Civil Liberty in Kentucky and in the Republic, and opposition to raising any religious test as a qualification for holding any office in the State or Nation.

THE FINANCIAL CONDITION OF THE STATE.

I have received from the Auditor of Public Accounts the following statement of the financial condition of the State:

"I herewith submit to you, as required by law, by biennial report as Auditor of Public Accounts for the fiscal years ending June 30, 1910, and June 30, 1911.

GENERAL STATEMENT OF RECEIPTS AND EXPENDITURES.

Total receipts for year ending June 30, 1910	$6,796,535.79
Total expenditures for year ending June 30, 1910	7,578,735.92
Deficit for year ending June 30, 1910	$782,200.13
Total receipts for year ending June 30, 1911	$7,394,595.65
Total expenditures for year ending June 30, 1911	7,477,789.38
Deficit for year ending June 30, 1911	$ 83,193.73
Add deficit for year ending June 30, 1910	782,200.13
Total deficit for two years	$865,393.86

"The law requires me to estimate the receipts and expenditures for the succeeding year; that is, the fiscal year beginning July 1, 1911, and ending June 30, 1912. I see no reason to anticipate that either will be less than for the year ending June 30, 1911. The general receipts for the latter are the largest in the history of the State, and I am not aware of any cause for an increase. The expenditures for the two years embraced in this report are about the same, and as the records show a steady increase in the general deficit, the

probability is that at the close of the next fiscal year it will be still larger, and will, in my judgment, be more than one million dollars. This administration will leave on January 1, 1912, a general deficit of only about two hundred thousand dollars. But, I have no desire to mislead the General Assembly nor the people of Kentucky. The sheriff's pay into the Treasury during the closing months of the calendar year much the larger part of the taxes collected by them, which will reduce, apparently, the general deficit, and during the last six months of the fiscal year the expenditures are largely in excess of the receipts."

Under date of December 28, 1911, the Auditor sends me the following communication:

"Dear Sir:

"I beg to submit to Your Excellency the following statement for your information:

The receipts for the fiscal year ending June 30, 1911, were $7,394.595.65
The expenditures for the same time 7,477,789.36

"The law requires me to estimate the receipts and expenditures for the succeeding year; that is, the fiscal year beginning July 1, 1911, and ending June 30, 1912. I see no reason to anticipate that either will be less than for the year ending June 30, 1911. The general receipts for the latter are the largest in the history of the State, and I am not aware of any cause for an increase. The expenditures for the two years embraced in this report are about the same, and as the records show a steady increase in the general deficit, the probability is that at the close of the next fiscal year it will be still larger and will, in my judgment, be more than one million dollars. Should the general receipts continue to be

as large as those of the last fiscal year, the State will still continue to carry a debt for years to come, unless the General Assembly shall reapportion the taxes collected. I desire to impress upon you the fact that, notwithstanding the receipts may be large, only 21½ cents of the 50-cent tax upon the $100.00 of valuation is set apart to the General Expenditure Fund, out of which the current expenses of the State, including all specific and annual appropriations are paid. The School Fund, Sinking Fund and State University are apportioned the remaining 28½ cents—they receiving 57 per cent of the revenue and the General Expenditure Fund only 43 per cent.

"The general financial condition at the close of business on December 27th is as follows:

Outstanding warrants .	$592,225.80
Cash on hand	282,840.81
General deficit	$309,384.99

"It is impossible to give to Your Excellency a similar statement for the close of this month until next Monday. The figures, however, will not be materially altered, as there will be some receipts and some expenditures in the meantime. This can be relied upon, however, as correct for all practical purposes. The distribution of the receipts for the month into the several funds, to-wit: School Fund, Sinking Fund and General Expenditure Fund will not be made until the close of business at the end of the month, so that the detail of the exact condition of each of these funds cannot now be furnished you. I take it, however, that for the purpose for which you desire this information the above statement of outstanding warrants, etc., is the one which you are particularly desirous of receiving."

It is proper that I should say, after presenting the financial condition of the State, as furnished me by the Auditor of Public Accounts, that Senators and Representatives should be careful in making appropriations, and be sure that there is money available to pay such appropriations as may be authorized by law.

EDUCATION.

There is no subject of more importance than education. Washington spoke with prophetic voice when he said: "Perpetuity of our Republican institutions depends upon the intelligence and virtue of our people."

The framers of our Constitution showed that they believed the general dissemination of knowledge was of fundamental importance when they made provision for sustaining a system of common schools.

The promotion of education is also an economic measure, for it is cheaper to build school houses and maintain schools, and thus reduce crime, that always attends indolence and ignorance, than it is to build poor houses and prisons, and support paupers and criminals.

There has been a noted improvement in the educational system of our State in the last few years. This has come largely as an educational propoganda eminating from public-spirited persons, school interests, and well-equipped legislators.

Number of new school houses built since June 30, 1908	1,178
Total cost of such houses	$831,691.00
Number of houses repaired since June 30, 1908	3,341
Total cost of such repairs	$206,424.00
Total spent for furniture and equipment since June 30, 1908	$208,792.00
Number of county high schools now in operation	159

Number of pupils enrolled in county high schools, 1910-1911 4,400
Total cost of operating county high schools, 1910-1911 . . . . . $156,858.00
Total number of graded schools, January 1, 1909 178
Total number of graded schools at present (estimated) . . 450

AMOUNT OF STATE PER CAPITA FOR PAST FIVE YEARS

1907	$3.40
1908	3.60
1909	4.00
1910	4.00
1911	4.40

TOTAL AMOUNT OF MONEY EXPENDED FOR THE LAST SCHOOL YEAR BY STATE AND LOCAL TAXATION FOR THE COMMON SCHOOLS.

Amount by State Taxation	$3,095,452.56
Amount by State Taxation, rural	2,450,716.78
Amount by State Taxation, city	644,735.78
Amount by Local Taxation	3,228,092.12
Amount by Local Taxation, rural	1,247,887.41
Amount by Local Taxation, city	1,980,204.71
Total amount	$6,323,544.68
Amount expended in cities	2,615,792.39
Amount expended in rural	3,707,752.29

SCHOOL CENSUS OF 1911.

City	146,723
Rural	592,961
	739,684

The State Board of Education, as constituted at the present time, are the Superintendent of Public Instruction, the Secretary of State and the Attorney General. Their powers and duties are so limited as to preclude them from having proper supervision and inspection of the public schools of the State, and such as to prevent them from putting into operation all progressive measures looking to the general uplift of the public school system.

It is now proposed and recommended by the Kentucky Educational Association, by the Greater Kentucky Development Convention and Association, by the commercial bodies of the cities of the State, and by all those interested in educational development at this time in the State, either to abolish the old board or so amend the old law to add to the number of this board four or six more members, representing the best business men of the State and the most expert professional educators of the State, who are to be given general supervision and inspection of the public schools of the State, in such a way as to see that the school funds are properly used; that the county superintendent's office is properly managed and the department of the public school system of the State so supervised and conducted as to make Kentucky a foremost State educationally.

I present these recommendations for the careful consideration of Senators and Representatives.

The State University at Lexington, Kentucky, the Eastern Kentucky State Normal School at Richmond, and the Western Kentucky State Normal School at Bowling Green, have greatly promoted education. The educational campaigns conducted by State Superintendent of Public Instruction J. G. Crabbe, and the bulletins which he scattered throughout the State, were the means by which a new era was begun in the history of our school system.

The appointment by the Southern Educational Board at Washington, D. C., of a Rural Supervisor of Schools in the person of T. J. Coates, and the appointment by the General Educational Board of New York City of Professor McHenry Rhoades to occupy the position of High School Supervisor, also benefited our schools and increased educational facilities.

"If there is a continuation of the splendid movement that has been fostered in the past by appreciative legislators, and which is now being encouraged by patriotic men and women in all parts of the Commonwealth, Kentucky will in a short time rank in all that promotes education as one of the first States of the Union."

The State University.

The State University at Lexington, Kentucky, is the outgrowth of the Agricultural and Mechanical College of Kentucky, the name having been changed by the Legislature at a former session. It is situated in the city of Lexington, and is wholly undenominational, and invites the youth of the State desiring an education, without regard to creed or faith, to partake of the munificence of the United States and the Commonwealth of Kentucky, by whom it is wholly supported. It is composed of the following Colleges, each presided over by a Dean, who is responsible for the due administration of the affairs of his respective college: The College of Arts and Sciences, the College of Law, the College of Agriculture (and the Experiment Station), the College of Mining and Metallurgy, the College of Electrical and Mechanical Engineering, the College of Civil Engineering, and the College of Education (or the Art of Teaching.)

In addition to these there are special departments in the schools, such as the Military Department, Department of

Physical Education for young men and women, and the Department of Domestic Science. Each of these various divisions is presided over by a competent and faithful Dean, Professor or Teacher, and in the University everything is taught necessary to give to the student a good, moral character, a sound body and a well disciplined and cultivated mind. It is believed by those who have the institution in charge that no young man or young woman need leave the State of Kentucky to secure a University education equal to that afforded by any similar institution in the country.

It is not within the compass of this message to discuss all of the departments of the University with minute particularity. I, therefore, confine myself to a notice of those departments which seem to bear most directly upon the material interests of the State.

This is an age of vocational education, and the young man who succeeds must be able to do, at least, some one useful thing well. The State University provides a professional course in mechanical and electrical engineering of great thoroughness, the purpose of which is to train students for careers of usefulness in the great industrial plants of this country. It gives the young men as advanced a training in the science of mechanical and electrical engineering as is offered by any other American institution of learning. No graduate of this school has ever had to wait for employment, and generally offers for the employment of the whole graduating class have been waiting in advance, conditioned alone upon the student's receiving a diploma.

The College of Civil Engineering teaches everything necessary to make the student an accomplished civil engineer, and it is rendering the State special aid by offering its servces and advice in the erection of public bridges and the building of public roads. If, as it is hoped and believed, the General Assembly will inaugurate a general system of good roads throughout the Commonwealth, this department holds itself

ready to give the State special aid both in formulating the system and in actually building the highways.

The Agricultural College has lately been placed under the control of Professor M. A. Scovell, Superintendent of the Experiment Station, who is now Dean of the College of Agriculture. The Experiment Station is engaged in general research work in the realms of agricultural science, and in solving the many problems of the farmer and stock raiser and horticulturist. Students in the College of Agriculture are taught the science of soil physics, soil fertility and crop production, which are the foundation of all agricultural industries. And this being true, it follows that the work of the department bears a very intimate relation to all the activities of the business and professional life, for every business goes back to the soil in its ultimate analysis. The agronomist has shown that by the proper selection and breeding of good seed and by proper cultivation the yield of most of our field crops may easily be doubled. The department is establishing soil experiment fields on various soil types of the State to determine the best methods of keeping up the fertility of productive soils and of restoring worn soils to a state of profitable production. A large part of the lands of the State is farmed at a loss because of its worn and unproductive condition.

The Department of Animal Husbandry is peculiarly useful to the people of Kentucky. Its aim is to teach to the student every useful fact concerning the breeding, raising, feeding and curing of domestic animals of every kind. Kentucky is the natural home of fine stock, and the business of rearing and selling such animals constitutes one of the great industries of its people. This department not only teaches the student all that science knows concerning the successful and profitable raising of stock, but the professors hold themselves ready and willing to give to the farmers generally any and all information necessary to solving the many problems which arise in connection with this Department of Agriculture in every day life.

The Department of Horticulture concerns itself with the discovery and the introduction of more successful systems of the growing of orchard, vineyard and small fruits adapted to the State of Kentucky, keeping in view its varied conditions of soil, elevation, market and domestic requirements, etc. It extends to the market gardener, the green-house owner and to every cultivator of the private garden, however small, in the selection of varieties, in the method of growing, in overcoming vicissitudes of climate, and combating insect pests and fungus diseases of their plants. It endeavors to promote the proper interest in and love for the development of the natural beauty of our State through the ornamentation of our country-sides, our towns and cities, with beautiful roads, streets, parks and cemeteries, and especially in making the homes of Kentucky—both of rich and poor alike—more beautiful through a more generous planting of flowers, shrubbery, grass and trees.

The Experiment Station has in charge the enforcement of the Pure Food and Drug Laws of the State. This work is organized into a division of the Station consisting of fourteen people, together with several post-graduate students engaged in the work of inspecting, analyzing and bacteriological examinations, and in studying the technical, sanitary and other problems connected with the production and sale of meats, milk, bread and other foods and drugs.

In the College of Arts and Sciences is taught everything which is necessary to give the student a thorough college education and to equip him for the battle of life.

To epitomize the advantages of the State University to the Commonwealth, it fits the youth of the State for the actual business of life. It gives him a vocation which insures him a livelihood if he is industrious. It undertakes to give him a cultivated mind, a sound, vigorous body, and a good, moral character.

The University was under the superintendence of that able educator and accomplished scholar, President James K.

Patterson, from its beginning until January 15, 1910, when he voluntarily resigned and assumed the title created for him of President Emeritus. For one year thereafter, Vice President James G. White was in active control. On January 1, 1911, Judge Henry S. Barker, formerly a Judge of the Court of Appeals of Kentucky, took charge as President, and has been in active charge of the institution since then. It gives me great pleasure to say that the number of the student body has largely increased during the last year. In order to make this plain, I give the total of the roster roll for the last four years:

Total number enrolled in session 1908-1909 772
Total number enrolled in session 1909-1910.....721
Total number enrolled in session 1910-1911 803
Total number enrolled for first term session, 1911-12...1,117

This last, it will be observed, is only for one-half the year. It is believed by those in charge that from 100 to 200 additional students will be enrolled between January 1 and June 1, 1912, making a total enrollment of from twelve hundred and fifty to thirteen hundred and fifty students, an sion.

The value of the University to the State cannot be overestimated, whether it be viewed from the standpoint of the development of the material resources of the Commonwealth, or its influence on the intellectual development and uplift of the youth of the State.

The Commonwealth of Kentucky stands in great need of competent teachers for its high schools which are now being organized and developed; the College of Education in the University is year by year turning out especially educated young men and young women who are competent to teach in the various high schools throughtout the Commonwealth. The College of Civil Engineering is paying especial attention to the making and developing of the system of good

roads throughout the Commonwealth, and its usefulness in this regard is too obvious to need comment. The College of Mining and Metallurgy is engaged in developing the mineral resources of the Commonwealth, especially its coal mining interests, and great good is to be expected from the efforts of the learned men connected with this college. The College of Agriculture is deeply concerned in everything interesting to the farmer, the stock raiser and the horticulturist of the State. The learned men engaged in this college are busy solving the problem of agriculture, and I confidently believe that through their efforts all farm values will be greatly increased.

I commend the University to the General Assembly and hope they will be able to see their way clear to give it a revenue, as far as the condition of the Treasury will permit, commensurate with its needs and its useful services.

Eastern Kentucky State Normal School.

J. G. Crabbe is President of the Eastern Kentucky State Normal School. This great educational institution is a strong and effective factor in the work of training teachers. It was established in 1906, at Richmond, Kentucky, but it was not until after two years of troublesome litigation, difficulty and discouragement, that the school received sufficient funds from the State to do real valuable service in the training of teachers. Then, hundreds of teachers flocked to the school, some with appointments secured under the law, others by the payment of tuition, until during the school year 1910-11, more than eleven hundred young men and women were enrolled. From the opening of the school to date more than five thousand enrollements are recorded in the register; twenty-five hundred different teachers have attended at various times. Practically every student who has attended the school (except those attending at Richmond now) is now teaching in Kentucky; and seventy-five per cent of those are teaching in rural communities. Kentucky's great awakening in public

education is marked with pride. There is an insistent demand for agriculture, household economics, and mental training in the public schools, especially in the rural schools. This is right, but, while hundreds of school teachers of the Commonwealth reamin without special training for their work, the new lines of vocational and industrial education will go forward at a snail's pace. Kentucky's teachers must be trained if our boys and girls are to be educated, and the Normal Schools are peculiar among all educational institutions in that they are to prepare young men and women for teaching. This is their special function.

The Eastern Kentucky State Normal School has had a wide influence upon the public schools of the eastern district and upon its communities, but the school needs farm land, buildings, equipment, and adequate maintenance. The next term opens in Jauanry (after the rural schools have closed for the year) and I find that at this writing, every room (two and three in a room) in both dormitories and in the cottage-dormitories is reserved in advance. The President informed me that, on December 22nd, fifty-five young ladies were refused accommodations on the campus for the coming term for lack of room; December 23rd, sixteen young men and women asked for admission and could be referred only to rooming places out in the city; each succeeding day repeats the story of these two days, while scores write the President declining to come to school unless they can secure quarters on the campus. In the "big terms" (January-June) hundreds of students, both young men and women, must room out in the city at some distance from the campus.

I commend to your favorable notice these pertinent facts about the school, and the needs that seem imperative, all of which have come under my personal observation. Richmond gave to the State for the home of this institution the buildings and campus of old Central University, property worth nearly $150,000.00; for buildings and equipment the State gave about $150,000.00; the annual appropriation is $40,-

000.00. The sister Normal at Bowling Green receives $50,-000.00 annual appropriation. I recommend that necessary appropriations for buildings and grounds be made, and that the Eastern and Western Kentucky State Normal Schools hereafter receive the same regular maintenance.

Western Kentucky State Normal School.

President H. H. Cherry has furnished me a report which shows that the Western Kentucky State Normal School has been eminently successful in doing much good and making great educational archievements.

Between 1,800 and 2,000 former students of the Western Normal are teaching in Kentucky during the present scholastic year. Seventy-nine per cent of all these student-teachers who have attended the Normal are teaching in the rural schools of the State; seventeen per cent are teaching in graded schools, and four per cent in high schools.

A conservative estimate shows that 250,000 different children of Kentucky have been taught or are now being taught by the student-teachers who have attended the Western Normal during the past four years and seven months.

Practically all of the students of the institution remain in the State and instruct the children of the State after having attended the institution.

The attendance at the schools taught by the teachers who have attended the institution averages higher than those taught by teachers who have not attended the institution.

A general educational interest, the establishment of school libraries, the construction of new school buildings, the improvement of old school buildings, beautifying the grounds, improvin gthe sanitary condition and a vitalization of the courses of study and more efficient teaching have almost universally characterized the work of the former student of the institution.

An appreciation of rural opportunities and a direct effort on the part of the community to improve the home, the farm and general rural life have followed the efforts of the teachers who have attended the institution.

Trustees and Boards of Education have seen the value of a trained teacher and are demanding a qualified profession and, at the same time, are offering to pay for an efficient teaching service.

The institution ranks at the top among the Normal Schools of the United States in attendance and influence, but at the bottom in the cost of teaching each student, value of apparatus, etc.

Reports from fifty-one county superintendents give the names of the former students who are teaching in the different counties at this time, and speak in a definite way of the great work that is being done by the institution for the Public Schools of the State.

Number of students enrolled from Sept. 1909, to Sept. 1910 1,400
Number of students enrolled from Sept. 1910 to Sept. 1911 1,323

Total number for the two years 2,723

Of the 2,723 students enrolled during the two years, 2,056 were different individuals. A large number of the students are now teaching, others are in the Normal now, and others will return at an early date.

Number of student enrolled in biennial period 2,723
Number of students enrolled in model school 475

Total for the two years 3,198

Of the 2,723 regular students who entered the Normal during the biennial period, 2,416 were appointees who signed a

statement agreeing to teach in Kentucky following attendance at the Normal. Those who did not sign the agreement paid regular tuition.

A large number of promising young men and women who have not begun teaching, and some of whom are not old enough to teach, are attending the Normal and getting ready to enter the teaching profession. They are doing a high grade work.

I recommend that necessary appropriations for buildings and grounds be made for the Western Kentucky State Normal School.

President Cherry closes his report as follows:

"THE DEFICIT.—The Board of Regents of the Western Normal School was forced to make an indebtedness in order to hold the institution together and keep it from being permanently and seriously injured. The institution would have been forced to temporarily suspend its work or else close its doors to incoming teachers who desired a broader preparation for their chosen work, if the management had not provided for some of its imperative needs through the making of a deficit or liability. The indebtedness of the Western Normal is $90,605.00. The debt is past due, and it is earnestly hoped that the General Assembly will provide for its payment. The State Inspector, in speaking of this indebtedness, said: 'There is no possible chance of this excess being met except by an additional allowance by the State, which it is hoped will be provided for by the coming session of the Legislature in January next.'

"ADDITIONAL ANNUAL APPRORIATION.—It is utterly impossible to successfully conduct the Normal on the present annual appropriation. Notwithstanding that the greatest economy is exercised in the use of the present appropriation, the school has suffered for the want of additional funds to meet the current expenses. An additional appropriation of $25,000.00 is needed for this purpose. The State Inspector,

in speaking of this item, says: 'The continual growth of the school attendance has reached a point where the present annual allowance of $50,000.00 is insufficient to meet the yearly expenses, and it will be necessary for the State to grant an additional yearly allowance, and it seems apparent that at least $75,000.00 yearly will be required from now on. This would mean an additional allowance of $25,000.00. It does not seem possible for the institution to proceed further on the present allowance, and unless more funds are available, the work must be curtailed or else the liability will be largely increased.'

"THE MODEL RURAL SCHOOL.—There is a constant and urgent demand that the Normal School exemplify, as soon as possible, the ways and means of conducting a rural school. We, therefore, desire to build on the campus of the Normal School a Model Rural School, a model that would be suitable for almost any community in Kentucky. In this Model School, it is proposed to conduct a school composed of rural children transported from the rural sections, with the different grades just as they would be found in the ordinary rural schools. It is proposed to offer a course of study that will meet the demands of the rural community, and to have school gardens and grounds as they should be in every community in Kentucky. It is also the purpose of the institution to secure a teacher who has been reared upon the farm and who is familiar with and in sympathy with the needs of farm life, who has enjoyed the best facilities for education, and who will instruct a school that will be worthy of the observation and study of teachers far and wide. The hundreds of rural teachers who attend the Normal annually will observe the work done in this school, study its organization and be required, from time to time, to take charge of the children in the school and instruct them in the presence of an expert rural supervisor and instructor. This plan is considered by educational experts to be one of the most effective means of reaching and training the rural teacher. It will take about

$4,000.00 to construct this building and provide for other necessary equipment."

I recommend that necessary appropriation for buildings and grounds be made.

KENTUCKY NORMAL AND INDUSTRIAL INSTITUTE FOR COLORED PERSONS.

This institution was established by an act of the General Assembly, approved May 18, 1886. It was originally styled "The State Normal School for Colored Person," and continued under that name until March 18, 1902, when, by act of the General Assembly, the name was changed to "Kentucky Normaland Industrial Institute for Colored Persons." The change in name was made because of the fart that the school had decided on including departments for the teaching of agriculture, mechanical art and industrial trades, and thereby be allowed a portion of the Federal appropriations for these purposes.

It appears from the recent biennal report of the President of the institution, and from the report of the State Inspector and Examiner, that the school is doing a creditable and important work. The annual enrollment of students numbers about three hundred, from all parts of the Commonwealth. A large proportion of the teachers of the colored schools of the State are graduates or former students of this school. The President of the State Teachers' Association at this time, and for some time past, is a graduate of this school. Many of the graduates and former students are engaged in farming, carpentry, cooking, sewing, etc., and are successful. The school is productive of good and useful citizens. Many letters are on file from employers speaking in high praise of services rendered by students as well as respect shown; these indicate also that care and attention are given in the instruction of students upon the importance of satisfactory service, and the proper relations between the employed and the employer.

This is the State's only institution for preparing teachers for colored schools, and for teaching trades. It is controlled by a Board of Trustees appointed by the Governor, the State Superintendent of Public Instruction being ex-officio chairman. The trustees have been compelled recently to make expenditures beyond the school's income. While the school's income for the training of teachers is ample, the State has never made an appropriation to the school for teaching trades or industrial training.

The President of the school closes his report as follows:

"This appropriation of $25,000.00 will not place us in extraordinary circumstances, but it will materially help us in the distress that we now experience owing to our indebtedness and needed improvements. The $5,000.00 annually will enable us to establish some homely trades for our girls and boys, and provide us instructors therefor, all to the end of a Negro citizenship intelligent, industrious and good."

The State Geological Survey.

The value of a State Geological survey to the citizens of Kentucky cannot be overestimated. When completed, it will present to the world such mineral wealth, fertility of soil, magnificence of forests and immensity of nautral resources as cannot be surpassed by any other State in the Union, there being 15,680 square miles of coal-bearing area.

A geological survey of Kentucky was commenced in 1854 and continued until 1859 by Professor David Dale Owen. This distinguished geologist and his able assistants prosecuted their work with commendable zeal and skill, and the result of their labors is embraced in two reports.

In 1859 the geological survey ceased in Kentucky, and was not resumed until 1873. In a few years it again ceased, and was not resumed until 1904.

The State of Kentucky needs and demands a complete and detailed geoglogical survey that will ascertain the cor-

rect geography of the State, describe its various geological formations, describe its immense coal and iron fields, analyze the varied soils and minerals, locate its inexhaustible saline deposits, describe its varieties of timber and building stone and clays, tell of the fauna and the flora, of vast regions furnishing a mineralogical collection, including specimens illustrative of the mineralogy of the State, and indicate routes by which all this natural wealth may be made accessible so as to stimulate industry and skill, advertise our hidden wealth, and increase our capital.

The Geological Survey of the State was re-established and diligently conducted under the directions of Professor N. S. Shaler, who during my administration from 1875 to 1879, was commissioned by me for four years, and he made four reports which have been of incalculable benefit to Kentucky.

The Geological Survey ceased in Kentucky until the year 1904, when an act was passed providing for and authorizing the Curator of the Kentucky Geological Department to resume the geological, topographical and agricultural survey of the State of Kentucky, and Professor C. J. Norwood was appointed Director.

The appropriation for the survey, which is annual and continuous, is by law divided into two allotments, namely:

For mapping in co-operation with the United States Geological Survey	$10,000.00
For Geological, chemical, technological and all other investigations and expenses of the survey	15,000.00
	$25,000.00

For the $10,000.00 allotted for co-operation in mapping, the State receives more than $20,000.00 in the way of results, since the United States Geological Survey not only meets the State with an equal amount for field and office work, but

engraves and prints the maps without cost to the State. The allotment for geological and other investigations is not large, when the vast amount of work that there is to be done is considered, and the fact that competent geologists and other technical men command higher salaries now than in the past is also considered; but every effort is made to accomplish the utmost that is possible with it each year.

Of the appropriation for the current fiscal year (ending June 30, 1912), there was on December 11th a balance of about $8,298.26. Against this is to be charged $1,762.69 of accounts of the co-operation mapping parties for November that have only recently been received, leaving an available balance of $6,535.57 after said accounts are paid.

By provision of the Survey Law, the Curator of the Geological Department is Director of the Survey. The character of work that has been carried on so far has been determined not alone by personal knowledge on the part of the Director of the needs of the State, but also by conclusions reached from the tenor of enquiries of correspondents seeking information concerning the resources of the State (this correspondence is quite large), by conferences with men interested in the development of the State, and by suggestions received from the late Director of the Survey, Nathaniel S. Shaler, under whom so much was accomplished during my first administration.

It was manifest to all who were acquainted with the State and the general trend of immediate interest in its development that the coal fields, possible stores of petroleum and natural gas, ore fields, spar deposits (fluor spar, calc spar and barytes), and clay deposits demanded first attention. The first work of the survey upon its resumption was, therefore, devoted chiefly to those subjects, and a large share of our attention is necessarily still given to the coal fields.

Preliminary reports have been issued by C. J. Norwood, Director, on the coals of the Big Sandy Valley, on those of the region drained by the Three Forks of the Kentucky river,

on those of the Licking Valley and some contiguous region, and on those along the western margin of the eastern coal field. Reports on the coals of the Poor and Clover Forks of the upper Cumberland river (in Harlan and Letcher counties), and on those of the Pineville Gap and Log Mountain regions (in Bell and Knox counties), have long been ready for publication, and have been in the hands of the present contractor for public printing since July 31st last. Similar reports have been prepared on a large part of the western coal field, but still await printing; they include reports on the coals drained by the Treadwater river (about 800 square miles), on those in the region covered by the Central City, Madisonville, Calhoun and Newberg quadrangles, on those within the Hartford quadrangle and some of the adjacent region, and in the area (typical of the disturbed regions within the field) covered by Webster county. (These reports, with the exception of that on the Webster area, have been submitted for publication, and their printing has been ordered.) Preliminary reports have been issued also on our oil and gas horizons, on some of our clay areas, on the lead and zinc rocks of Central Kentucky, on fluor spar deposits, and on some of the lower formations of the State. An elaborate report on the Cincinnatian formation and its economic values was prepared, but (with three others) was lost while in the hands of a former contractor for the public printing. A geological map of the State has also been issued; sufficient data have subsequently been gathered to warrant a revised edition. As indicated most of the reports named are largely preliminary in character; they were issued to meet emergencies and must be followed by detailed work, which, however, can be undertaken only as we get more accurate maps (of the sort now being made by the State and Federal Survey in co-operation.)

Professor Norwood is a professor in the State University and he is also Director of the Geological Survey and the State Inspector of Mines, and has offices in Lexington, Ken-

tucky. The office of the Director of the Geological Survey should be at Frankfort, which is a common point where the Geologist could be consulted, and his office should be separated from the Inspector of Mines.

I recommend that legislation be enacted by the General Assembly authorizing the appointment by the Governor of a Curator of the Kentucky State Geological Department, as was done under the law for many years; that the office of the Curator be located at Frankfort, Kentucky, and that he be allowed the same salary, the same assistants with the same salary, and the same annual appropriations now allowed under the existing law.

Inspector of Mines.

From the Chief Inspector of Mines, C. J. Norwood, I have obtained the following important information:

The mine inspection work has been diligently kept up. The Assistant Inspectors are all industrious, capable, discreet men. All were required to pass an examination as to their qualifications before appointment, all made good grades, and all, having themselves had considerable practical experience in coal mining, realize the responsibilities that rest upon them.

Monthly statistical reports received from the coal companies to date indicate an output of coal for the calendar year of about 13,170,227 tons. This approximation includes 11,041,227 tons actually reported, and 2,129,000 tons estimated. This indicates a decrease of about 1,550,000 tons when comparison is made with the production for 1910; when compared with that for 1909, however, it shows a gain of over 2,800,000 tons. The year 1909 showed a considerable gain over 1908. A probable falling off in production was indicated by conditions early in the year, and conditions in the latter part of the year have not been such as to call for much production.

The loss in production occurred chiefly in the Western District, for which a decrease of over 1½ million tons is indicated, to which a loss of about 225,000 tons for the Southeastern District is to be added. The net loss is kept with the figures named by an indicated increase of 312,000 tons in the Northeastern District.

To date there have been no large disasters during the year such as marked the year 1910. But despite the most diligent supervision disasters are liable to occur and the Inspectors are not prone to feel satisfied with "what has not yet happened" at any time during the year. So long as shooting on the solid is allowed, and so long as large quantities of "black" powder, more than what is actually needed each day, are allowed to be carried into the mines, the menace of an explosion is ever present. The methods of blasting and the amount of powder that may be carried into a mine daily ought to be regulated by law. The utmost vigilance is required at this time of the year to prevent explosions, and the Assistant Inspectors have been instructed to give special attention to their more dangerous mines at this time.

The fatal accidents so far reported for the year compared with those for 1910 (and omitting the fifty deaths due to explosions in that year) indicate a decrease for 1911. Deaths due to falls of top, however, still constitute a vexatious problem. Efforts are being made to determine what part the use of explosives and the use of such mining machines as require to be braced by a "jack" and against the roof play in causing the roof falls. It is a noteworthy fact that deaths from falls of top are much greater in the Southeastern and Northeastern Districts than in the Western one. The following table showing deaths from roof falls in 1909 and 1910, compared with the number reported so far for 1911, tells the story.

	In 1909	In 1910	In 1911
Western district	2	5	1
Southeastern district	14	9	10
Northeastern district	4	6	6
	20	20	17

The Legislature of 1910 made an appropriation for the purchase of six sets of oxgen-helmet appartus for the Inspectors to use in case of explosions or fires at mines. They have more than justified the action of the Legislature. Several fires have been quietly gotten under control and extinguished through the use of the helmets, and in one instance (an explosion in 1910) they were at the mine ready for use in event the rescue work should be interfered with by noxious gases. Each Assistant Inspector and the Chief has two helmets; it would be well were the number doubled.

The development of mines in the Eastern field is increasing rapidly, especially in the upper portion of the Big Sandy Valley and on the North Fork of the Kentucky river; also in Harlan county and upper portion of Bell. Harlan county entered the list of commercial producers in October and may be expected, with favorable trade conditions, to become an important producer in 1912. Letcher county will enter the list within the coming year and will become a large producer. The Western field is also receiving much attention from mining capital, but the tendency there just at present seems to be toward consolidation and the reduction of production.

Direct Primary Elections.

If we wish voters to take an interest in the candidates and in the elections, we must have methods for nominating party candidates which will insure general participation in the election, and I believe a Primary Election is the best plan to select the nominees for the various offices.

Success is always greatly promoted if we have equal

rights for all and special privileges for none, and opportunties given to all to assist in nominating the candidates they will support at the general election are encouraging to the voters. The humblest voter has as much right to participate in the nomination of candidates as the most prominent and influential voter, and the farmer in the country should have equal chances with the citizen in a town or city. Comparatively few persons attend courthouse conventions; and often one hundred persons or a less number in a courthouse convention choose delegates or instruct for candidates, while several thousand voters of the county are absent at their homes. The government should be brought close to the people, and there can be no bosses or rings in connection with a primary election legally and honestly held. Experience has taught the people to appricate primary elections. In a large majority of the counties of Kentucky primary elections are held to nominate county officers; and it has been but a short time since a State Primary Election was held in Kentucky to nominate candidates for State Offices. Every State south of Kentucky holds primary elections to nominate county and State officers, and many of the northern and western States nominate their county and State Officers in primary elections.

One hundred and twenty-eight years of popular government have established that the people are competent to rule themselves, and to appreciate candidates and great issues.

The direct primary is in line with the advanced thought of the times, and is the hope for good men in office and clean government in administration.

Before the Constitution of the United States was adopted there never had been a governmental instrument handed up from the people to the rulers; all governmental charters that had ever existed had been handed down by the conquerors to the people. Our Constitution is founded not on the States, not on the counties, nor on the localities, but on the individual. The preamble of the Federal Constitution is; "We, the people of the United States do ordain and estab-

lish * * * this Constitution." And we of this generation, to maintain it, must look at it from that direction. The individual is the factor in the future of this great Republic. The direct primary gives force to, and makes potent the power of the inidividual in government.

I recommend the enactment of a Direct Primary Election Law, providing that primary elections shall be conducted under lawful authority and at public expenses, and to be regulated in the same manner and subject to the same penalties and violations as in case of regular elections.

The County Unit.

So much has been spoken and written about extending the present Local Option Law as applied to the sale of liquors "so that the citizens of each and every county in the State may determine for themselves whether spirituous, vinous or malt liquors may be sold therein," that I do not deem it necessary to discuss this important question at length. The State Democratic Platform declared in favor of it in strong and unmistakable terms, and I have already, in this message, declared for it and for legislation to carry out the pledge. I want to say, however, with emphasis, that the question of regulating or suppressing the liquor traffic should be settled on its own merits without regard to other questions that may come before you, and wisdom, as well as harmony, demand that you should settle it and take it out of politics.

Change In Selecting The Prison Commissioners.

The State Democratic Platform was no stronger or more emphatic on any subject than it was in declaring;

"We favor a change in the present method of selecting the Prison Commissioners of the State, and the removal of all politics from the management of our penal institutions. While commending the present Board of Prison Commission-

ers for its successful management of the institutions under its care, we recognize that the system of election by the Legislature under which they are elected is unwise, and we, therefore, favor such a change as will place their appointment in the hands of the Governor, subject to confirmation, or some other method such as the General Assembly may provide."

This declaration was adopted unanimously by the State Convention and aproved with practical unanimity by the people and by the press of Kentucky, and Chapter 97, Article 1, Section 3795 of the Kentucky Statutes, which provides for a Board of Commissioners to govern the penitentiaries of the Commonwealth, is in part as follows:

"The General Assembly may, at any time, remove any or all of the members of said Board of Commissioners, with or without cause."

In accordance with the platform, I recommend that so much of the law as requires three Prison Commissioners to be elected by the General Assembly be repealed, and their respective terms of office, be terminatd, and that a bi-partisan board, consisting of four members be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years, and that two members of the said Board should be selected from the political party which polled the highest number of votes in the last preceding State election, and two members from the political party casting the next highest number of votes.

No personal reflection on the present Prison Commissioners is intended by my statements or recommendations. They are serving under a system which has caused condemnation and criticism.

Important questions are suggested for consideration by the existing law. If the Legislature has the right to name the Prison Commissioners, and they have large patronage, will it not follow that the Prison Commissioners will be interested in electing the members of the legislature and thus perpetuate their power and their tenure of office? And if they can con-

trol their election, will they not seek, also, to control legislation?

Many newspapers of our State have commented on the existing system and advocated a change in the present method of selecting the Prison Commissioners of the State and the removal of all politics from the management of our penal institutions.

I quote from one newspaper which declares:

"The vast patronage of the prisons is a powerful weapon in the hands of the Commissioners. * * * They can give themselves a life tenure in office. * * * The evil of the present system is even more far reaching. It makes the Legislature an appendage of the Prison Commissioners. It creates a vacillation that is foreign to our Democratic Institutions, and takes away from the people the right to govern themselves through their chosen representatives. Such a condition will work irreparable harm to the democracy, to the prisons, and to the moral well-being of the whole State. The Democratic Party is pledged to the destruction of this system, root and branch."

The Reports of Our Insane Asylums.

The reports of the Eastern Kentucky Asylum for the Insane at Lexington, the Central Kentucky Asylum for the Insane at Lakeland and the Western Kentucky Asylum for the Insane at Hopkinsville, are herewith submitted. They all appear to be in a satisfactory condition, both in their general management and in the manner in which the unfortunate inmates are treated.

Kentucky State Board of Control for Charitable Institutions.

The General Assembly, at its regular session of 1906, passed a law creating the Kentucky State Board of Control for Charitable Institutions, to manage and govern the three

asylums for the insane and the Feeble-Minded Institute. It was provided in said act that the Board should consist of three members, to be appointed by the Governor, by and with the consent of the Senate, for a term of four years.

The General Assembly of 1906 passed an act amending the original Board of Control Law of 1906, which provided that said Board should consist of four members, to be appointed by the Governor, by and with the advise of the Senate, for a term of four years, and providing further that two members of the said Board should be selected from the political party which polled the highest number of votes in the last preceding State election, and two members from the political party casting the next highest number of votes. The purpose of the change in the law was declared in the act, itself, to be to make said Board of Control bi-partisan. To carry into effect the purpose of the change in the statute, the Governor was empowered to appoint one additional member, and in pursuance thereof, he, on March 24, 1908, appointed Mr. Stanley Milward, of Lexington, Kentucky, the fourth member of said Board; at which time the bi-partisan Board was organized. On January 4, 1909, Judge A. J. G. Wells, of Murray, Kentucky, succeeded Dr. Milton Board; on January 5, 1910, Judge Garrett S. Wall, of Maysville, Kentucky, succeeded General Percy Haley, and on May 28, 1910, Stanley Milward resigned and was succeeded by Dr. Thomas W. Gardiner, of Madisonville, Kentucky, who having filled out Mr. Milward's unexpired term, was reappointed on January 12, 1911.

The plan of a central board for the management of these institutions, instead of local boards, as the law previous to 1906 provided, has met with general approval. A brief reference taken from the second report of the Board of Control, September 30, 1907, indicates that the good effects of the creation of a central board were immediate and material. The quotation is as follows: "The installing of the uniform business system, improvement in discipline, economy in

running expenses, all pay tribute to the wisdom of the last Legislature in creating a central board of charities, the entire cost of maintenance of same being paid for in the saving made by the board in the purchase of meats alone."

It is not difficult to understand why a central board, appointed by the Governor, and responsible to him for their acts, should be able to provide a more economic and efficient government for these institutions, and the bi-partisan feature of the law is but an additional safeguard against possible abuse or power, which time and trial for the past few years have commended to favor in the management of our charitable institutions.

From October 1, 1907 to June 30, 1911, the present Board of Control have expended the total sum of $178,846.46 on new improvement and new equipment, out of the per capita allowance of 150, and have left at present a surplus of $52,-995.37.

Since the creation of the Board of Control there has been almost a complete abolition of all mechanical and medical restraints. The last report for the biennial period ending June 30, 1911, shows only 3,809 hours of restraint, as against 142,062 hours for a like period immediately preceding.

The enlargement and perfection of a uniform system of accounting, the introduction of a uniform wage scale, a practical working plan for the collection of claims, the establishing of training schools for nurses, the segregation and isolation of tubercular patients, the increased results from the farms and gardens, the increased comforts and happiness that have come to the patients through well directed exercise, simple work and new forms of entertainment, the introduction of manual training, industrial and domestic science at the Institution for Feeble-Minded Children, are cited in the report of the present board as evidence of activity and progress in the management of these institutions.

It seems best for the Commonwealth and best for the unfortunate inmates of our charitable institutions, that this law remain as it is, so far, at least, as the governing power is placed in a central and bi-partisan board. Neither party in the late campaign, for State Officers, in their party platforms, or otherwise, declared in favor of any change in the governing power of these institutions.

KENTUCKY'S INSTITUTE FOR FEEBLE-MINDED CHILDREN

Fifty-one years ago the State of Kentucky erected for her feeble-minded children a commodious building near the site upon which the present building now stands. Fire has twice completely destroyed the homes erected for the care of her feeble-minded; but no time was lost in making ready to care for these unfortunates, as in the years 1906 and 1907 new homes were ready to receive and care for these children. During the last two years a new dormitory has been erected, which is an excellent three-story building, well ventilated, splendidly arranged, commodious and modern in every respect. The erection of this building has completely done away with the crowded condition that existed previous to its construction. A modern kitchen, cold storage plant, and bakery are being built, which when completed, will make Kentucky's Institution for the care of the feeble-minded, one of the best equipped institutions of this character in the entire country.

During the last few years domestic science and manual training have been added to the course of instruction and training, and more and more each year proves the practical importance of this character of training.

At the close of the year ending June 30, 1909, the total number of patients in the keeping of this institution was one hundred and ninety-five. At the present time one hundred and fifty-six boys and one hundred and sixteen girls are under our care, making a total of two hundred and seventy-two pupils. During the past two years ten pupils have been dis-

missed, and six have been transferred to the various asylums of the State. Two escaped from the institution during this period. Between the dates, June 30, 1909, and June 30, 1911, twenty-one deaths occurred, and one hundred and sixty were treated for various diseases.

In the last two years there have been completed three new buildings, the boys dormitory, the power plant, and the laundry.

The dormitory is an excellent three story brick building, well ventilated, splendidly arranged, commodious and modern in every rsepect. The erection of this building has completely done away with the crowded condition that existed previous to its construction.

The power plant is complete in every detail, at all times furnishing the institution with hot and cold water, heat and light.

The laundry has so far afforded entire satisfaction.

Recently a system of electric lights has been installed throughout the beautiful lawn, and this proves not alone of practical advantage, but also serves to greatly enhance the appearance of the grounds at night time.

The Superintendent of the Kentucky Institute for Feeble-Minded Children, in closing his staement to me, says:

"Along all lines of training the past two years have been exceptionallly encouraging and profitable. As we look over these grounds today, we are concious of a feeling of gratification at what is being accomplished by this home. The seed sown many years ago has grown into a mighty tree, sheltering from the storms of life these helpless and incapable children. Under its friendly protection they dwell in joy and gladness to their highest capacity. More than this our school contributes to the needs of the State by taking from the Commonwealth those who, through their weakness, become a drag upon the wheels of progress.

"Possibly the most practical and essential departments of our school are those of domestic science and manual training. These departments, which were introduced two years ago, have been conducted by young ladies especially trained in this sort of work, and the practical results derived have exceeded our most sanguine expectations."

The Superintendent's last report will be laid before the General Assembly.

The Kentucky School for the Deaf.

The Kentucky School for the Deaf, located at Danville, was established in 1823. More than two thousand pupils have been enrolled in past years. While only a small per cent of this number remain in school to complete their education, the majority of them are in school long enough to prepare themselves for the responsibilities of life, and, upon leaving the Institution, take their places among the people as good and honest citizens. The number of new pupils admitted this session of school was thirty-eight.

The establishment of the industrial department is not only an interesting feature of this institution, but it seems very beneficial, both to the boys and the girls, and opens the way for them to make a support after they leave the school. In the carpenter shop twenty-three boys are being instructed in wood work and joinery. Thirty boys are in the tailoring department. Twenty-five boys are now being instructed in the art of printing. Thirteen boys are being instructed in the shoe shop. A small number of boys work in the garden in the spring and fall months. The older girls receive instruction in needle work and dress-making, and also alternate this with laundry work, ironing all of the wash clothes for pupils of the entire school.

This institution is under the control of a Board of Commissioners appointed by the Governor, and is a school for the education of the deaf. Every deaf person in this Commonwealth, between the ages of ten and thirty, who is sound

in body and mind, is entitled to the benefits of the institution free of charge, with board and tuition for a term of seven years. It is in a most prosperous condition, and annually sends out males and females whose intelligence and accomplishments attest the remarkable success of the school.

The annual report of the Superintendent of the Kentucky School for the Deaf will be laid before you.

Kentucky Institution for the Blind.

The Kentucky Institution for the Blind, located at Louisville, which is intended to furnish facilities for education of children of the State, free of charge, whose sight is so defective as to prevent them from getting an education in the ordinary schools, is well attended. The improvement and general accomplishments of the scholars are such as to be very surprising to persons not familar with the remarkable success of such institutions.

The annual report of the Superintendent of this institution will be laid before you, and I commend it to your careful consideration.

The State Board of Health of Kentucky.

The State Board of Health of Kentucky was created by the General Assembly in 1878, during an epedemic of yellow fever then devastating the whole South, which invaded Kentucky before the defenses against it could be organized. It was wisely endowed with ample powers to combat pestilence, without, and to study the still more important domestic and ever present endemic diseases which are constant menaces to the lives, health, and happiness of our people, as well as the most wasteful expense of our time in dollars and cents. Five epedemics of yellow fever have devastated the South since the creation of the Board, but the disease has not only not obtained a foothold in our Commonwealth, but under wise precautions, we have been able to open our doors with char-

acteristic hospitality to thousands of refugees from our afflicted sister States of the South.

For the first twenty-two years the total annual appropriation for the whole work of the Board was only $2,500, and for the last decade has only been $5,000 annually. During this thirty years wonderful progress in the study and prevention of such diseases as tubercolosis, typhoid fever and the diseases of childhood have only been possible because of the devotion and work of the thirty-six hundred practicing physicians who have performed their function as guardians of the public health, furnishing offices and equipment for life saving work, with but small compensation.

The educational work and splendid health organization built up through the various years were given a new impetus by the last General Assembly, which created a new department of Vital Statistics, Sanitary engineering, and Bacteriology, with ample appropriations for inaugurating these activities. These appropriations did not become available until January 1, 1911, but public and professional sentiment were so ripe for the work, that, at the end of the first eleven months, and for the first time in the history of Kentucky, the Board was able to make a full, official record of 55,307 births, and 27,956 deaths, and what caused each of the latter; and to be able to state, definitely, that with the practice by the people of methods now well known to sanitarians, almost forty per cent of these deaths were preventable; to begin to map the water supply of the entire State and to plot the scources of pollution of streams with the view to wise, far-reaching plans looking to the protection of this vital interest; and to take up in the laboratory the examination of sputum, blood and all such similar matters for physicians and citizens in such a way as to bring the benefactions of modern scientific methods for the prevention of sickness within reach of every hearthstone in Kentucky, free of cost.

The press, teachers, physicians, women's clubs, and other leaders of public opinion are encouraging and co-operating

with the Board of Health to an extent which promises to mark this as an era, not only in life-saving work, but in the economic history of the State.

I believe the members of the State Board of Health merit commendation for services now being performed, and for services rendered during a third of a century with ability, energy and efficiency.

Department of Banking.

The last State Democratic Platform declared in favor of a Department of Banking, removed from politics, and providing for competent inspection of all of our State financial institutions, similar to the system now existing for National banks.

Under the National banking system, which has existed in the United States for about fifty years, we have always had a system of inspection of National banks, and it has been so wise, and resulted in so much good, that we have heard of no one anywhere desiring the repeal of such a salutary law.

We also find that all the States and Territories of the American Union but six have an inspection of State financial institutions. Kentucky is one of the six which has none. In the forty States providing for such inspection, thirty-five of them have a Department of Banking, not under the Auditor, Secretary of State, or any other officer, but a separate and distinct department, and there is not a State in the Union in which the Secretary of State is at the head of the banking department.

In Kentucky we should have a Department of Banking, removed as far as possible from politics. The law should provide qualifications for the head of that department and of every examiner in that department, so as to secure intelligent, efficient and reliable management by every officer connected with the department.

Every Banking Commissioner, Deputy Banking Commissioner and State Bank Examiner should be a resident and citizen of the Commonwealth of Kentucky, should be a practical bookkeeper and accountant, and should have not less than four years actual experience as an officer or clerk in a bank. They should take the oath required of officers by the Constitution and laws of the Commonwealth of Kentucky, and execute bond with good security for the faithful performance of duty.

It would not be fair or just to the banking institutions of this Commonwealth, which will pay all the expense of maintaining the Department of Banking, including the salaries of its officers, that an inexperienced person should be at the head of the department, or that his assistants and inspectors should not be experienced, capable and efficient.

There are now in Kentucky four hundred and seventy-two State Banks and Trust Companies. Of that number two hundred and twenty-seven have a capital stock of $15,000 or less; over $15,000 and up to $50,000 there are one hundred and fifty-one banks; $50,000 to $100,000 forty-eight banks; over $100,000 forty-six banks. Of the four hundred and seventy-two banks in the State there were closed during the past year thirty-three; some on account or irregularities and some because they were organized in communities and cities where they were not needed.

It is interesting to consider the condition of the State banks and trust companies in Kentucky as compared with National banks.

According to the tabulation made in the Secretary of State's office, on June 30, 1910, the State banks and trust companies' capital stock amounted to $20,935,457.00.

The National banks' capital stock at the same time amounted to $17,405,900.

The surplus in the State banks at the same time amounted to $5,684,704.83, while that in the National banks amounted to $7,190,631.00.

The deposits in the State banks and institutions of Kentucky at the same time amounted to $70,000,735.00; in National banks they amounted to $57,705,494.57.

The total liabilities of the State institutions amounted to $104,265,254.72, and of the National banks $113,711,218.01.

It appears, therefore, that in Kentucky State banks and trust companies have a larger capital stock than National banks, and that the deposits in State banks and institutions are larger than in the National banks, and that the liabilities of State institutions and National banks are about the same; yet there has been a National Bank Law for about fifty years in Kentucky to regulate National banks, but there has been no Department of Banking providing for competent inspection of all of our State financial institutions as now proposed.

It seems conclusive, therefore, that we should not only now have a banking law, but we should have had such a law in Kentucky for many years.

Experience, as I am informed, has shown that depositors in National banks have lost only the sum of $38,000.00, while depositors in State banks and trust companies, in one city alone, lost over one million dollars; and that is exclusive of the losses to the stockholders in other State banks and trust companies.

I, therefore, recommend the passage of "an act to establish a Department of Banking, providing for the appointment of a commissioner, deputy commissioner and examiners thereof and prescribing their duties, and for examination of all financial institutions organized and doing business under the laws of this Commonwealth."

TUBERCULOSIS.

Medical men who have devoted much time to the study, now agree that tuberculosis is a preventable disease, and that a large part of the sickness and fatality incident thereto, can and should be avoided. They assert that the disease

would be greatly ameliorated, and in time exterminated if preventive measures were universally practiced, and if all persons thoroughly understood the importance of combating tuberculosis in every possible way. The ravages of consumption represent terrible destruction of life, and it is the duty of humanity to support every movement which gives reasonable hope of reducing the annual death roll.

According to the returns of the Bureau of Vital Statistics, during the first seven months of 1911, 6,085 cases of tuberculosis were under treatment by physicians in Kentucky. In the same period 3,325 deaths were reported. It is probable that the actual number of deaths were larger than these figures show, owing to delay in reporting. It is certainly a grave and serious showing, and the State Board of Health says "Consumption is the most common and fatal disease with which the people of Kentucky are afflicted."

During the past year wonderful progress has been made against tuberculosis; its progress has been checked with great vigor and intelligence. Kentucky should lose no ground that has been gained, but there should be earnest efforts for more gratifying achievements.

I recommend that the campaign which is being waged against tuberculosis be encouraged, so as to diminish the ravages of this awful plague, and in the end, if it is possible, stamp it out.

Corrupt Practices Act.

I recommend the enactment of law which shall, under heavy penalties, compel publicity of campaign contributions, both as to source and disbursement, before primary and general election, both for campaign committees and for individuals, and which shall limit campaign expenditures to that which is legitimate and necessary.

Labor.

Labor is the greatest wealth producing power in the world. It cultivates the soil, constructs and operates railroads, builds houses and ships, produces all we use, wear or eat, and develops forest and mines.

"The laborer is worthy of his hire" was spoken nearly two thousand years ago, but it is as true and applicable to man now as it was then.

It may be said, also, that labor is the foundation of man's success in every sphere and in every avocation, and, as such, its just demands must be met, its rights guarded and protected.

The Democratic doctrine is that "we favor the enactment of wise laws for the protection from accident and injury of all laborers engaged in hazardous employments, and we favor wise and conservative laws regulating the arbitration of labor strikes and disputes." And there should be, also, an Employers' Liability Law.

I recommend that the General Assembly do full justice to the cause of labor in Kentucky, and recognize, through wise and equitable laws, the rights advocated by Jefferson, that the rights of man are superior to the right of property.

Agriculture.

I cannot call your attention to anything that is more important, or more interesting, than agriculture. Agriculture is the main spring which keeps the business of the world in motion. The wheels of commerce and trade and manufactures would cease to move if the product of the soil were withdrawn from the markets of the world. Banks would close; industries would cease; manufactories would suspend, and everything would seem to be palsied. Agriculture is the life of the nation; the sustenance of the people; and there can be no more interesting slogan now to our young men than the slogan, "Back to the farm."

More than half the people of our State live on farms, and more than half the State taxes are paid by farmers. Farmers have always been in the advance-guard of the march of civilization, and their progress, energy and success are shown when it is remembered that nearly two-thirds of the exports from our country to foreign ports come from the farms.

Kentucky is an agricultural State and you cannot foster and encourage our farm interests too much. By regulating our labor system; by establishing fair rates for the transportation of our stock and farm products to market; by resisting monopolies and opposing ruinous taxes or exhorbitant rates of interest; by encouraging farmers to come together for consultation and for comparison of opinions, and by stimulating the growth and expansion of our agricultural interests in every way, you will confer inestimable blessings upon the Commonwealth and the people. The wealth of Kentucky, comes, primarily, from the farms, and farming is the basis of prosperity.

The opportunities in our State for diversified agriculture surpass those of any similar section.

Farming is every year being more and more specialized, and calls for more modern, practical and efficient methods. Each successive year places a higher premium on intelligent farming, and requires a more complete understanding with reference to the details of farm management, crop rotation, preparation of the soil, selection of seed, rearing of live stock, and the use of farm machinery. In order to have successful farming, universities, colleges and normal schools should teach agriculture, so that the young men, when they finish their collegiate education, can, if they wish to, conduct their farms in an up-to-date manner, and so that teachers who are trained at normal schools can impart to their pupils knowledge in regard to modern farming.

I believe that more attention should be given to arousing an interest among the young men in all that pertains to

agriculture. Farmers' Clubs and industrial clubs should be encouraged. Publications should be prepared and distributed, giving definite information on topics in which farmers and farmer boys are interested. Encouragement should be given to boys on the farms in such manner as will arouse rivalry. Improved strains of corn, wheat and other farm products should be distributed.

The Department of Agriculture in Kentucky, the Farmers' Institutes, and the State Fair, are doing much good work, and should be encouraged in every proper way.

Our platform declares in favor of organization and co-operation of farmers, and there is always strength and benefit in organization and co-operation.

Needs of the Department of Agriculture.

I have received from Hon. J. W. Newman, Commissioner of Agriculture, a report showing the essential needs of that Department. I agree with Mr. Newman, and make the following recommendation:

Placing the selection of the seven members of the State Board of Agriculture, Forestry and Immigration that are now selected at the Farmers' Institutes in the hands of the Governor. The method of selection now is splendid in theory, but poor in practice, as politics have crept into these meetings and there is a constant fight for the places.

Not more than four of these seven members should belong to the same political party, and they should be removable at the pleasure of the Governor.

The Department of Agriculture should be completely reorganized by the incoming General Assembly.

The State Fair has grown by leaps and bounds within the last few years, and Kentucky is now one of the ten great Fair States. Other States are providing, however, thousands of dollars, where Kentucky is providing hundreds for State Fair purposes. Texas this year broke all records, when

135,000 paid admissions were recorded in one day at the State Fair. Other Fairs, such as Minnesota, Wisconsin, Ohio and Illinois have more than a million dollars invested in State Fair buildings and grounds, and find that they are getting splendid returns on the investment.

Kentucky has paid but $40,000 in buildings and grounds at the present State Fair. The city of Louisville and county of Jefferson and private citizens, and the profits from previous fairs, have added to this amount, until the State now has practically $300,000 invested in this plant. It is accomplishing a great deal for the live stock and agricultural resources of the State, and high-class flocks and herds are beginning to dot the surface of the State, which promises to put Kentucky back in the front rank of live stock States, where she stood forty years ago, instead of eighteenth place, which she occupies today. More accommodations must be provided for the Kentucky State Fair, if it is to continue to grow.

The Live Stock Sanitary Board should be made a Bureau of this Department, and its powers enlarged so that it can use means to eradicate tuberculosis from dairy cattle, hog cholera, pluro-pneumonia, glanders, sheep scabbies, the foot and mouth disease, and other contagious ones of live stock of the State. This would mean protection for the agricultural interests from a financial standpoint, and also to our citizens, as some of these diseases can be contracted by human beings. There are many conflicts between the health authorities and farmers in various sections of the State on account of the lack of understanding more than anything else; and I have been informed that the State Board of Health will gladly co-operate in placing this authority in the hands of a State Board of Agriculture appointed by the Governor.

A Fish and Game Bureau, providing for the protection and conservation of bird life that is so essential to the farmer

in the destruction of the injurious insects and the consumption of obnoxious weed seed.

The farmers are spending money and time, and often suffering, at that, untold injury to their crops as a result of the gradual extermination of bird life in this Sate. Our many streams that should furnish a great amount of food to our people practically, without cost, are being rapidly cleared of any fish life as the result of pollution, dynamiting, etc.

We now have the opportunity of securing from the Government a Fish Hatchery adjoining the State Fair Grounds at Louisville that will be maintained by the Government, and used as a great educational feature of the Kentucky State Fair, as well as a convient point from which to obtain a fish supply for our streams and ponds, at an outlay of about $6,000.00 to the State. This should unquestionably be done, as we only have until the first of February to consummate this arrangement.

The Forestry Department should be placed in the Department of Agriculture with such powers and with such funds as will enable the authorities to conserve our forest interest.

There should be an Immigration Bureau created, where there is a total fund of about $5,000.00 annually to be used in encouraging desirable laborers and settlers to locate in Kentucky. With an expenditure of $2,000.00 annually by the Immigration Agent, some nine hundred persons a year are being placed for those desiring to employ labor, and are creating wealth for the State. About five hundred of these are from without the State. Many of the Southern States have provided ample funds for this work, and people are being taken right through Kentucky to become citizens of States south of us. Kentucky has only one-fourth of her lands in cultivation. There are great opportunities here for the man who is willing to live in the country, but nothing is being done to advise the public where these opportunities can be found.

The last census shows plainly that our people are leaving the country and either going into the cities or emigrating to other States. A little money expended here would return good results on the investment.

The Labor Bureau should be enlarged so as to provide for at least two lady inspectors, whose duties would be to look to the protection of the thousands of women and children now employed in our cities. This same bill should enlarge the powers of our present labor inspectors, so that they may safeguard the lives of persons now laboring at the factories, shops, etc., in unsanitary condition, and without fire escapes.

FORESTRY.

The study of forestry conditions in Kentucky, made by the Forest Service in co-operation with State Board of Agriculture, Forestry and Immigation, began in the summer of 1907, and extended through three field seasons. The third report shows, in condensed form, the statistical side of the timber situation in the entire State. It is shown by a table in that report that 9,373,000 acres, or 37 per cent of the State, is now in forest, with a total estimated stand of 22,955,000,000 board feet.

The report says, "assuming that the output of the last three years is maintained, and that the growth is balanced by local consumption and damage, the timber supply of Kentucky will last fifteen years. If the rate of growth per acre were increased 100 board feet per year the supply would last thirty-seven years, and if increased to 200 board feet, it would supply the present demand perpetually." This shows the great demand for education of the public in forest management, which can be accomplished only through the General Assembly.

I do not think the entire stock of timber in Kentucky will be out in fifteen years, nor will timber be exhausted in that time. The information, however, is important in showing

the relation between the output and the total amount of standing timber. Timber production must be considered, and steps should be taken so that the production will eventually equal the output.

I believe it is imperative that the General Assembly adopt a proper and adequate policy of forest protection, not only with the purpose of saving the timber now standing, but of reforesting the cut-over, the burnt-over and unforested districts of the State. A majority of the States are maintaining Bureaus of Forestry.

I recommend—

(1) A State Forester, to be appointed by the Governor, who, by training and experience, is thoroughly qualified to handle technical forestry problems, as well as forestry educational work.

(2) A campaign of education should be inaugurated and the State Forester should lecture at Farmers' Institutes and encourage elementary instruction in forestry in the public schools; also prepare and distribute appropriate bulletins.

Good Roads.

A system of Good Roads is the basis of a country's progress, and upon these largely depend its material development and advance in civilization. Public roads have been compared to the veins and arteries in the human body, by which the circulation is carried on; and when they are clogged, or are not in good condition, the usual functions are impeded and vitality is diminished. Without good roads there cannot be proper development of the energies, resources and enterprise of the people, and the education of boys and girls is seriously handicapped.

Nothing will add more to the value of property or to the welfare and profit and pleasure of the general public than will a system of well-built, well-kept public roads throughout

the State. I shall not discuss the subject further, as both the leading political parties declared in their platforms in favor of Good Roads, and many strong articles have been presented to the people on the subject.

Tax Reform.

One of the most important questions to be considered by the General Assembly is the question of Tax Reform and what steps should be taken to improve our present methods of raising the revenue necessary for the conduct of the State government.

The tax question is a complex one, and will require intelligent, careful examination to insure its wise solution. It is said that no two of the forty-eight States of the Union have the same system throughout; they differ either in respect to constitutional restructions or in administration or in detail. I think it may be said that Kentuckians all agree on one point, and that is that they want the best system that can be obtained.

Both of the leading political parties adopted in their platforms provisions favoring the submission to the voters of Kentucky of an amendment to the Constitution, broadening the powers of the General Assembly so that it may classify property for the purpose of taxation, but opposing any law, the effect of which would be to lighten the burdens of taxation on the wealthy and on corporations at the expense of the poor, the farmer, or the laboring man. This important question has also been discussed at length by many persons, and, as both the leading political parties, in their platforms, are committed to the submission of the amendment to the voters, further discussion is not needed at present.

Attorney General's Department.

The retiring Attorney General, Hon. James Breathitt, in his final report to me as Attorney General, makes the following recommendation:

"The Legislature should provide for one more stenographer for the department at a salary of one hundred dollars per month. With the Attorney General and three assistants, it is often impossible to have two stenographers doing the work of the four officers, and this is more especially true at times when the various courts are in session. If this is not looked upon favorably, the legislautre ought to provide an appropriation of, at least, twelve hundred dollars, to be expended by the Attorney General as he deems proper for extra clerical help. My records show that the number of cases for the last two years of my term was about twenty-five per cent greater than the number during the first two years, and there is reason to believe that hereafter the work will increase rather than decrease."

I, therefore, recommend that the General Assembly provide for one more stenographer for the Attorney General's Department, at a salary of one hundred dollars per month.

Investigation of the Condition of Working Women in Kentucky.

Governor Willson appointed, in March, 1911, to investigate the condition of working women in Kentucky, and to report to the Legislature what recommendations they thought proper, the following Volunteer Commission:

Chairman, Alex. G. Barret, Louisville; Secretary, Mrs. R. P. Hallock, Louisville; Special Investigator, S. M. Hartzman, Louisville; Mrs. Pattie B. Sample, Louisville; Mrs. Eli Boone, Paducah; Dr. Julia A. Ingram, Louisville; D. J. M. Mathews, Louisville; Paul M. Moore, Earlington; Mrs. Morris B. Belknap, Louisville; Claude M. Thomas, Paris; Miss Florence Witherspoon, Louisville; Harry B. Mackoy, Covington; Mrs. Emil S. Tachau, Louisville; R. C. Stoll, Lexington, Miss Stella Lowenstein, Louisville; John Speed, Taylorsville; Miss Frances Ingram, Louisville; Dr. W. E. Grant, Louisville; Lafon Allen, Louisville; Albert S. Brandeis, Louisville.

The report of this Commission is now in the hands of the printer, and will be published next week and laid before the General Assembly. The recommendations of the Commision are worthy of your careful consideration, and I call the attention of Senators and Representatives to the very interesting report submitted by the Volunteer Commission.

KENTUCKY PENITENTIARY, FRANKFORT.

KENTUCKY BRANCH PENITENTIARY, EDDYVILLE.

The management, discipline and operations of the Kentucky Penitentiary at Frankfort, and the Kentucky Branch Penitentiary at Eddyville, so far as I have been able to ascertain from the reports submitted to me, which were addressed, respectively, to the Honorable Board of Prison Commissioners, seem to be as satisfactory as the situation and surroundings will allow. The convicts appear to be comfortably clothed and fed with substantial, wholesome food, and religious services are regularly held in each prison for the benefit of their spiritual welfare.

There were in the Kentucky Penitentiary at Frankfort, November 30, 1911, one thousand three hundred and forty-three prisoners; there were in the Kentucky Branch Penitentiary at Eddyville, at that date, six hundred and ninety-two prisoners.

The object of legal punishment is not only to deter others from crime by punishing the offender, but suitable reform means to prepare the prisoner for his future life among his fellows. Enlightened civilization is advancing in everything, and to be in harmony with the progress of the age there should be improvement in prison management and discipline as well as on other lines. At one of the earliest International Prison Congresses, held in London, it was declared that convicts could be reformed, and in that declaration the soundest and most accomplished students of penitentiary management concur.

I do not believe that we should by our present system strive to place over the gates of the penitentiaries the words that were inscribed over Dante's Inferno: "Let all who enter here leave hope behind." But we should rather make the prisoner feel that, though severely punished, he is not forgotten, and that the law surrounds him with incentive to repentance and reformation, and that he should "rejoice in hope and be patient in tribulation."

I have not had time, since my inauguration less than one month ago, to examine carefully the management and discipline of the penitentiaries of our State, but I shall, at an early day, inspect, in person, both penitentiaries.

There is strong sentiment and universal desire in all sections of our State, both in county and city, to improve our highways and encourage the inauguration of an intelligent system of road building and improvement of existing roads. Many of our citizens have made known to me their belief that the labor of our convicts, confined in our penitentiaries, should, under proper and humane safe-guards and restrictions, be ulitized in road and bridge building and repair. Under section 253 of our Constitution, our convicts must be confined to labor within the walls of our penitentiaries, and cannot be employed at labor outside of the walls, except in case of pestilence or destruction of the prison buildings.

I think the General Assembly should have power to authorize the working of our male convicts—except those confined for life, in the construction and repair of roads and bridges in the various counties of the Commonwealth; and I, therefore, recommend that the General Assembly submit to the voters of the State an amendment to our Constitution which, if adopted, would authorize the passage of such laws.

Public Utilities.

The private ownership of Public Utilities is continually presenting perplexing questions as to the respective rights

of the interests controlling them and the people whom they serve.

This is an outcome of the advance of civilization, the increase of poulation, the progress of the times, and the changed condition of living, which requires a use of the conveniences incident to the inventions and to our industrial and commercial environments.

These Public Utilities are owned and operated in the State by private corporations, and these corporations are doing business under the protection of the State, by legislative permission.

They are private in the sense that individuals, financially interested, control them, fix the cost of service, and receive profits; but, in the sense that the service they provide is indispensible to the people, they are public corporations.

These corporations have rights under the Constitution and under the law which must be respected as fully as the rights of any individual; but they also are charged with responsibilities to the public and the government under whose protection and laws they exist, which must be fulfilled.

In the platforms of both the Democratic party and the Republican party promises were made to enact a law providing for a Public Utilities Commission, having ample powers to discharge its duties.

I think that such a commission is necessary in Kentucky, in order to insure good service at reasonable expense from our public service corporations. It should include express companies, telegraph and telephone companies, street railway companies, interurban companies, and water, light and gas companies. Such a commission has been formed in all the progressive States, so far as I know, like New York, Ohio, Wisconsin, New Jersey, and all of the most up-to-date Commonwealths, and a movement is on foot in other States to have such a law enacted.

Section 199 of the Constitution of Kentucky, which was adopted some twenty years ago, provides:

"Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph, within this State, and to connect the same with other lines, and said companies shall receive and transmit each other's message without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's message without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonble regulations to give full full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies, shall be erected or laid within the limits of such city or town."

Although the section just quoted expressly makes it the duty of the General Assembly, by general laws of uniform operation, to put into effect this section, it has failed, for the last twenty years, to obey this mandate of the Constitution.

It would be a great convenience to the public at large if companies which are made common carriers, and especially telephone and telegraph companies, were compelled to receive and transmit each other's messages, so that a person who desired to talk over one telephone could talk over the connecting line of other companies and receive the benefit of such service.

I call the attention of the members of the General Assembly to their duty, under their oath of office and under their platforms, to enact a wise and proper law on this subject.

MILITIA.

"A well regulated militia being necessary to the security of a free State," as stated in the Constitution of the United States, I call your attention, especially, to the Organized Militia or State Guard of the State of Kentucky.

It will be the policy of my administration not to invoke military aid until civil power is exhausted; yet in every well regulated government I believe that civil authority can be maintained easier and with more certainty where it is manifest that there is a strong power whose aid can be commaned if the civil power should not be sufficient.

The report of the Adjutant General, Assistant Adjutant General, Inspector General and Chief Quartermaster, enable me to present the following facts with regard to the Militia or State Guard of Kentucky:

December 31, 1909, the government was furnishing the State of Kentucky in supplies and money for maintaining the militia, $79,139.45. It is now paying $76,862.42. On the allotment for the current year money and supplies amounting to $36,000.00 have been received, leaving unused for the current year ending July 1, 1912, $40,000.00.

The Dick Bill provides for an appropriation of $2,000,000.00 for militia purposes, to be apportioned among the States according to the number of Senators and Representatives to which each State is entitled, respectively, in the Congress of the United States, and the Act of Congress, approved May 27, 1908, appropriated $2,000,000.00 to be apportioned among the several States according to the number of enlisted strength shown at the Federal Inspection next preceding the fiscal year for which the appropriation was made.

The allotment must be used according to the requirements of the Dick Bill and orders from the War Department for Camps of Instruction, Target Practice and for every character of supplies required for the militia.

This leaves the State appropriation of $20,000.00 per annum free to be disbursed by the authority of the Governor

for the expense of administration, armory rental, instruction and generally as in his judgment may best promote the interests of the State Guard. This broad discretion lodged in the hands of such a high and responsible officer, with some knowledge of military principles, ought to make the fund more effective for the purposes for which it is appropriated, than it would be if disbursed under specific legislation. There is now to the credit of this fund $14,275.52, with outstanding liabilities properly chargeable against it of less than $2,000.00.

The purpose of the government under existing laws and regulations is to bring the militia of the various States under the same rules, regulations, discipline and tactics that govern the Regular Army, and our State has endeavored to give effect to this purpose, and has proclaimed by legislative enactment the Army Regulations a part of the laws of Kentucky.

The United States Government has now in the hands of our militia property valued approximately at $500,000.00, and at the Arsenal property, an inventory of which has been handed to me, valued at $200,000.00, a total of $700,000.00, which is charged to the Governor and looked after by the Adjutant General's office, according to the requirements of the War Department.

The State Military property on hand cost, originally about $40,000.00.

To perform this duty and carry out the requirements of the government as to discipline, instruction, target practice and the innumerable details of administration, it was necessary to have an expert quartermaster and to give him a stenographer and an assistant part of the time, and Major Thomas D. Woodyard was appointed. An Inspector General, Lieutenant Colonel A. McLean Moffat, was also appointed. He also has a stenographer, and occasionally other assistance is required.

These officers were detailed for their respective duties from the Guard under the general powers of Governor Willson.

The Assistant Adjutant General, Col. Stairs, was appointed last April, from the Guard, because the performance of his duties as company commander indicated that he was the best available material for the place. He is making a good officer and improving all the time.

The duties of Arsenal Keeper have been performed faithfully and efficiently by Lieutenant Jones.

Captain Charles D. Clay, retired, of the United States Army, on duty with our troops, has an office in connection with the Adjutant General's Department, and has rendered valuable assistance as a careful, conservative advisor and by his prompt military performance of all duty required of him.

Captain Charles H. Morrow, 18th United States Infantry, has also been assigned to duty, and has an office in connection with the Adjutant General's Department. He rendered valuable service, especially at the recent Officers' School.

There are two United States Army sergeants who are used for instructors with the Guard, and have been very efficient.

The Spanish-American War Records were completed, published and distributed, as required by law, by Judge W. L. Jett, two years ago. He also made considerable headway in compiling the Confederate Records. Major Joseph M. Womach succeeded to the place last winter, and is carrying the work to completion.

The relations of the War Department to the Organized Militia are governed by the provisions of the Constitution of the United States, which pertain to the Militia, and by the Federal Laws which have been enacted by Congress pursuant to the authority conferred by the constitutional provisions.

The most important laws affecting the Organized Militia, are as follows: The Act of Congress of January 21, 1903, commonly known as the Dick Bill; this is also section 1661, Revised Statutes, to which several amendments have been

added. The Act was amended by an Act of Congress, June 22, 1906.

Two other important Acts of Congress affecting the Organized Militia, are those of May 27, 1906, and April 21, 1910. They provide for organizing, arming, uniforming, equipping and disciplining the militia, and for governing such part as may be employed in the service of the United States. To the States the right is reserved to appoint officers, and the authority of training the militia according to the discipline prescribed by Congress.

The organized militia, if prepared, may be called into the service of the United States by the President, or he may, on application of the Legislature, or the Executive of the State, when the Legislature cannot be convened, call forth the militia of any of the States to suppress insurrection in any State. It is, therefore, necessary that the Organized Militia be prepared at a moment's notice to take the field, for either State or United States service, and in order that the States should be relieved of a portion of the burden of expense, Congress has made appropriations for maintaining armed and equipped organizations.

The Federal authorities supply the funds to the State authorities, and it is left to the latter to carry out the provisions of the laws, by drawing on the United States for funds and supplies. The United States does not interfere with the performance of the State authorities, unless the provisions of the laws are not being followed or the results attained unsatisfactory.

Funds and supplies are furnished to the State on requisition of the Executive only, or such officer as he may designate to act for him.

The United States requires every cent of money and every article of public property, issued for the use of the militia, to be accounted for, in accordance with the accounting system in force in the United States Army; also that the State has adequate and safe storage facilities for the protec-

tion and preservation of supplies. The Secretary of War, by making annual inspections of the Organized Militia, determines if the requirements are being complied with, and unless the reports of the United States Inspectors are satisfactory to the Secretary of War, he is compelled by Law to withdraw Federal support, which would mean the cutting off of the allotments and amounts set aside under the several Acts for the maintenance of the militia.

The special requirement under the law is, that the militia of a State must conform to the organization, armament, equipment, and discipline that is now or may be approved for the United State Army.

The State of Kentucky did not refuse the assistance of the Federal Government when the Bill was passed in 1903; on the other hand it was gladly accepted, and an honest effort was made by the State authorities to bring the militia up to the standard required by law.

The Guard failed to pass the Federal inspection in 1908 and 1909, but in the spring of 1910, succeeded in passing all the requirements, except as to being completely uniformed for field service; this defect was remedied, and it was with a feeling of relief and pride that we received reports of the spring inspection of this year, which showed that the Kentucky State Guard was organized, armed, uniformed and equipped for service in the field, in accordance with the laws of Congress. It should be understood, however, that the law requires the Guard to pass the Federal inspection each year during the period January 1st to May 1st, and it will be necessary to bend every energy, henceforward, to maintain this standard, especially since the Federal Government is demanding more and more from the militia.

During the year 1908, fourteen hundred Krag-Joergensen rifles were exchanged for a like number of new Springfield rifles, model 1903; this exchange included the appendages and accessories pertaning to the new equipment. The new equipment was received and issued to the Guard and

the obsolete arms, etc., were returned to the United States without delay.

The State Arsenal was built in 1850, and but few repairs are in evidence. The building is well situated and could be enlarged and placed in first class condition without great expense. The building should be enlarged by the addition of a third story, which would give ample storage for present needs. Some little damage has been done property through the condition of the roof, which has leaked for the past four years, notwithstanding repairs that have been made. There seems to be something wrong with the gutters. The floor of the first story is rotten, and a considerable section of same broke through two years ago, which was replaced with a new floor. Another section of the old floor has recently sagged considerably. The window frames, which were put in some eight or ten years ago, are loose and some of them can be pushed out of the masonry by a boy. An obsolete hand-power elevator, located in the building, is considered dangerous, and should not be continued in the service. The Arsenal Keeper carries very light loads up and down for fear of accident. There were no artificial lights in the building until February, 1908, when incandescent lamps were installed; this, however, should be augmented by the addition of more lamps, or more powerful lights should be placed, as it is extremely difficult to handle articles of property with despatch and accuracy on dark days and at night. It has been necessary for the limited force at the Arsenal to work at night on a number of occasions, getting out emergency orders and checking up property for the information of this Department.

The section of the State law providing for the appointment of an Arsenal Keeper was enacted when the Guard was supplied with nothing more than a rifle, bayonet, cartridge belt, canteen, haversack, and one blue uniform. The handling of these few articles was a matter of simplicity, especially as the regulations concerning the handling of the property were promulgated by the State authorities; but this condition

has been changed since the Kentucky State Guard became a part of the Organized Militia of the United States. There are dozens of articles now issued to the soldier for every one of these mentioned above, and if they become unservicable they must undergo survey proceedings and be returned to the State Arsenal to be repaired, sold, destroyed, or otherwise disposed of as may be directed by the Secretary of War. The work not only involves time and labor, but requires a man who has had experience, and must be peculiarly fitted for the work, or serious mistakes may occur. It has been found necessary to give the Arsenal Keeper an assistant to enable him to handle heavy boxes and stores and to assist in the work of issuing and receiving property.

The authorized strength of the Guard is 3,500, all ranks, comprising three regiments of infantry, one ambulance corps, four troops of cavalry and three batteries of field artillery.

On December 14, 1911, the actual strength of the State Guard was 145 officers and 1,537 enlisted men, making a total of 1,686, all ranks, which is 386 more than the number required by the War Department, entitling this State to its portion of the Federal appropriation.

REDISTRICTING.

Your attention is called to section 33 of the Constitution of Kentucky, requiring the redistricting of the State on the basis of population after each Federal Census. That section is as follows:

"The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial districts, and one hundred Representative districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which district shall constitute the Senatorial and Representative districts for ten years. Not more than two counties shall be joined together to form a Representative district: Provided, In doing so the principle requiring

every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous."

The Federal Census of 1910 has been taken and published, and I, therefore, recommend that the Constitution be complied with.

THE CAPITOL BUILDING.

As chairman of the Board of Commissioners of the Sinking Fund, I presided on Saturday, December 30, 1911, when the last claim against the State for the payment of a balance connected with the construction and completion of our magnificent building was allowed and ordered to be paid.

This gives me an opportunity to put on record, in a public way and in this first message of my second administration, as a part of the history of Kentucky, that the New Capitol Building is a State House worthy of Kentucky and an honor to our people. It is a splendid achievement, one of the most beautiful, impressive and attractive of all the structures of its type in our country, and the people have a right to be proud of their Capitol and of the work done in it, and gratified that the whole history of its construction and furnishing is free from reproach, and is a testimonial of honesty, skill and capacity.

I am thankful that I was honored by being the first Governor inaugurated in this splendid and beautiful building.

JAMES B. MCCREARY,
Governor of Kentucky.

At the close of the reading thereof the House under the rules adjourned until 10 o'clock tomorrow morning.

WEDNESDAY, JANUARY 3, 1912.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church, Southern Assembly, of the city of Frankfort.

The reading of the Journal of yesterady's proceedings was dispensed with.

Mr. Hamilton offered the following resolution, viz:

H. Res. 1. Resolution providing for adjournment of the General Assembly until Monday, January 8th.

Said resolution is as follows, viz.:

Resolved by the House of Representatives, the Senate concurring therein.

That when the two Houses of this General Assembly adjourn today it be to meet again on Monday, January 8, 1912, at 12 o'clock meridian.

By unanimous consent the rules were suspended and said resolution was adopted.

Mr. Lochry offered the following resolution, viz:

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished to members of the General Assembly.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian be, and he is hereby directed, to purchase a sufficient number of copies of the latest edition

of the Kentucky Statutes and Codes of Practice of the State of Kentucky, together with Acts of the General Assembly of Kentucky of 1910, to furnish each member of the House of Representatives and Senate of the General Assembly one copy of each respectively, the same to be returned to the said Librarian at the end of this session.

That the Auditor of the State, upon the approval of the State Librarian, be and he is hereby directed to draw a warrant or vouchers for the purchase price of said books upon the Treasurer of the State, for the payment of the same.

Under the rules said resolution lies over one day.

Mr. Mahin offered the following resolution, viz.:

H. Res. 3. Resolution providing for copies of the Governor's message to be placed on the desks of each member.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That one hundred copies of the Governor's message be printed, wrapped, stamped and placed on the desk of each member of the House and Senate.

Under the rules said resolution lies over one day.

Mr. Charlton B. Thompson moved that this House take a recess till 12:30 o'clock P. M.

Said resolution is as follows, viz.:

At 12 o'clock and 30 minutes, the House reconvened.

A message was received from the Senate announcing that they had concurred in a resolution which had been adopted in the House of Representatives entitled,

H. Res. 1. Resolution providing for the adjournment of the General Assembly until Monday, January 8, 1912.

Mr. Atherton moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned until Monday, January 8th, at 12 o'clock meridian.

MONDAY JANUARY 8, 1912.

The House was opened with prayer by the Rev. Roger T. Nooe of the Christian Church of the city of Frankfort.

The reading of the Journal of the proceedings of Wednesday last was dispensed with.

Mr. Emanuel Meyer presented the memorial of Clayton B. Blakey, City Attorney of the city of Louisville, relative to certain statements in a memorial made to this House by certain daily newspapers with reference to the Cumberland Telephone and Telegraph Company.

Which was received, its reading dispensed with and ordered to be referred to the committee on Public Utilities.

Mr. Forgy offered the following resolution, viz.:

Resolved, That the House of Representatives of Kentucky does hereby express its thanks to the House of Representatives of the Congress of the United States for passing House Bill No. 13,988, and further expresses the desire that the Senate of the United States may deem it wise to likewise pass the same.

Resolved further, That a certified copy of this resolution be sent by the Clerk of this House to the Clerk of the House

of Representatives and to the Clerk of the Senate of the Congress of the United States and to each of the Senators from the State of Kentucky.

Said resolution was adopted.

Mr. Lochry offered the following resolution, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, that the State Librarian be, and he is hereby directed to furnish to each member and elective officer of the said House of Representatives, two daily newspapers, one of which shall be "The Frankfort News-Journal," the other to be any daily newspaper published within the State of Kentucky, and the same to be selected and designated to the said Librarian by each and every member respectively; the same to be paid for at subscription rates. The Auditor of Public Accounts is hereby directed to pay for them at the last day of this session, upon the certificate of the Librarian and out of any money in the Treasury not otherwise appropriated.

Referred to the Committee on Public Printing.

Mr. Holland, (J. W.) offered the following resolution, viz.:

Resolved, That the resolution adopted by this House on January 2nd, and authorizing the Speaker to appoint a Committee on Rules, be amended by striking out the word "Nine" and inserting in lieu thereof the word "Eleven."

Said resolution was adopted.

Mr. Herrington moved that the House do now take up for consideration from the Clerk's desk a resolution of the following title, viz.:

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished to members of the General Assembly.

(For Res. See House Journal, January 3rd.)

Said motion was agreed to.

Mr. Herrington offered the following amendment to said resolution, viz:

Amend by adding thereto at the end thereof the following words "And also that one thousand copies of said message be printed, stamped and placed on the Governor's desk."

Said amendment was agreed to.

Said resolution as amended was then adopted.

The yeas and nays being taken on the adoption of said resolution as required by the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	A. B. Holland	Charles D. McCrea
P. L. Atherton	John W. Holland	Ben E. Niles
George Baker	James R. Howell	L. B. Owen
J. M. Bean	R. Dillard Hunter	Luther C. Owings
Eli Berry	Earl C. Huntsman	W. F. Parker
Wallace Brown	W. J. Jackson	W. V. Perry
Wm. L. Bowling	Green R. Keller	Marion F. Pogue
C. W. Burton	M. C. Kirk	John A. Polin
George P. Chinn	Charles H. Knight	Stanley F. Reed
Elkanan Dickey	James A. Leach	S. L. Robertson
John M. Farra	F. A. Lochry	H. A. Schoberth
S. Walton Forgy	B. J. Matthews	Robt. H. Scott
Elwood Hamilton	Emanuel Meyer	W. A. Shawler
L. B. Herrington	R. C. McClure	Walter S. Sinclair

Adam Spahn	C. B. Thompson	Louis B. Tieman
A. H. Stamper	E. B. Thompson	B. S. Wilson
John G. Stoll	D. B. Thurman	Edward L. Young

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Those who voted in the negative were—

A. V. Bertram	John F. Fryer	A. W. Palmer
Thos. M. Bertram	Allie T. Gaines	J. R. Paxton
E. Bishop	D. Clarence Gray	W. A. Price
H. C. Blades	T. J. Gregory	S. H. Rogers
Hiram Brown	John G. Kelley	W. Scott Smith
G. E. Carroll	W. E. King	Yeaman Watkins
Henry Chunn	William J. Kuh	E. B. Wiley
G. L. Drury	J. Albert Leach	J. H. Williams
Ben F. Egleston	S. F. Middleton	Charles Yancy
J. H. Elder	C. B. Nichols	

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Mr. Wallace offered the following resolution, viz.:

H. Res. 4. Resolution for the employment and appointment of certain persons and for the payment of certain contingent expenses of this General Assembly of the Commonwealth of Kentucky and providing for the mode of payment thereof.

Said resolution is as follows, viz.:

Whereas, since the occupation of the New Capitol it has become necessary to employ more persons in order that the House of Representatives and the Senate may be conducted in a proper manner and expeditiously, and whereas said business could not be efficiently conducted by and with the assistance alone of the number of officers and employees provided for in section 249 of the Constitution and section 1988 of the Kentucky Statutes:

Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Speaker of the House of Representatives be and he is hereby authorized and directed to employ four assistant door keepers at $5.00 per day each; one stenographer to the Chief Clerk at $5.00 per day; one stenographer of the House at $5.00 per day; one bill-clerk at $4.00 per day; two mail clerks at $3.00 per day each; five messengers at $2.50 per day each; one porter at $2.00 per day; one copyist at $4.00 per day; two messengers to wait upon committees at $2.50 per day each; and one messenger for the Speaker at $2.50 per day; and one assistant Sergeant-at-Arms at $4.00 per day; one assistant enrolling clerk at $5.00 per day.

The employments above referred to shall take effect and be in force from and after the 2nd day of January, 1912.

And the President of the Senate is hereby authorized directed and empowered to employ three guards to assist the door keeper in guarding the doors to the Senate Chamber and they shall receive $5.00 per day for their services; two stenographers, who shall be required to do the stenographic work of the members of the Senate, and one copyist to assist the enrolling clerk, each of whom shall receive $5.00 per day for his or her services; one bill clerk, who shall be required to do such work in connection with the keeping and distributing the printed bills as may be required by the Chief Clerk, or by the Senate, and who shall receive for his service $5.00 per day; one assistant keeper of the cloak room, who shall do such work in connection with the cloak room as may be required by the cloak room keeper, or by the Senate, and who shall receive $3.00 per day for his services; one mail clerk, whose duty shall be to receive and distribute all the mail of the members of the Senate, and all mail coming to the hands

of such clerk shall be immediately distributed to the addressees, and which clerk shall receive for his services the sum of $5.00 per day; two messengers, who shall perform such services as may be required of them by the Lieutenant Governor, or by the Senate, and who shall receive for their services the sum of $2.50 per day; one clerk to the Rules Committee, who shall receive $5.00 per day and who shall perform such services as may be required by said Committee.

The employments above referred to shall take effect and be in force from and after the 2nd day of January, 1912.

§ 2. The Speaker of the House and the President of the Senate shall furnish to the Chief Clerk of their respective Houses a list of all of said employees, showing their respective appointments, and said Speaker of the House and President of the Senate shall every five days furnish to the Clerk of their respective Houses the number of days worked by each and the amount due each of said employees, and upon this certification the Clerk of each of said Houses shall draw a voucher to each of said employees upon the Auditor of Public Accounts for the amount due each of said employees and for which amount the Auditor shall draw his warrant upon the Treasurer, payable to said employees respectively and to be paid out of any money in the Treasury, payable to the general expenditure fund not otherwise appropriated.

It appearing that the said employees referred to herein are very necessary to carry on and conduct the business of the House and Senate, an emergency is hereby declared to exist, and this resolution shall take effect upon its adoption.

Under the rules said resolution lies over one day.

Mr. Clay offered the following resolution, viz.:

Resolved that all but members and ex-members be excluded from the floor of this House during this session.

Ordered that said resolution be referred to the Committee on Rules.

The Speaker, under and by virtue of a resolution adopted on a former day (see House Journal, January 2), announced the appointment of the members of the Committee on Rules as follows, viz.:

Messrs. Wallace Brown, Schoberth, Pogue, Niles, Hamilton, Owings, Wilson, C. B. Thompson, Young, W. V. Perry, with Mr. Speaker C. B. Terrell, Ex-officio Chairman.

Mr. Hamilton moved that this House do now adjourn.

Said motion was adopted.

And then the House adjourned.

TUESDAY, JANUARY 9, 1912.

The House was opened with prayer by the Bishop C. C. Penick of the Protestant Episcopal Church of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Hamilton called from the Clerk's desk a resolution entitled,

H. Res. 4. Resolution for the employment and appointment of certain persons and for the payment of certain contingent expense of the General Assembly of the Commonwealth of Kentucky and providing the mode of payment thereof.

Mr. McClure offered the following substitute for said resolution, viz.:

Resolution for the employment and appointment of certain persons, and for the payment of certain contingent expenses of this General Assembly of the Commonwealth of Kentucky, and providing the mode of payment thereof.

Whereas since the occupation of the new Capitol it has become necessary to employ more persons in order that the House of Representatives and the Senate may be conducted in a proper manner and expeditiously, and whereas said business could not be efficiently conducted by and with the assistance alone of the number of officers and employees provided for in Sec. 249 of the Constitution, and Sec. 1988 of the Kentucky Statutes: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Speaker of the House of Representatives be and he is hereby authorized and directed to employ four Assistant Door Keeper at $4.00 per day each; one Stenographer to the Clerk at $3.00 per day; one copyist at $3.00 per day; one Messenger for the Speaker at $2.50 per day; one Assistant Enrolling Clerk at $4.00 per day.

The employments above referred to shall take effect and be in force from and after the 9th day of January, 1912.

And the President of the Senate is hereby authorized, directed an empowered to employ one Copyist to assist the Enrolling Clerk who shall receive $4.00 per day for his or her services; one Messenger for the Lieutenant Governor who shall receive for his services the sum of $2.50 per day.

The employment above referred to shall take effect and be in force from and after the 9th day of January, 1912.

§ 2. The Speaker of the House and the President of the Senate shall furnish to the Chief Clerk of their respective Houses a list of all of said employees, showing their respective appointments and said Speaker of the House and President of the Senate shall, every five days, furnish to the Clerk of their respective Houses the number of days worked by each, and the amount due each, of said employees, and upon this certification the Clerk of each of said Houses shall draw a voucher to each of said employees, and for which amount the Auditor shall draw his warrant upon the Treasurer, payable to said employees respectively, and to be paid out of any money in the Treasury payable to the General Expenditure fund not otherwise appropriated.

It appearing that the employees referred to herein are necessary to carry on and conduct the business of the House and Senate, an emergency is hereby declared to exist, and this resolution shall take effect upon its adoption.

This resolution is offered as a substitute for the resolution offered in this House on the 8th day of January, 1912, for the purpose of employing and paying for the services of persons to be employed in the House and Senate.

Mr. Forgy moved that the resolution and substitute referred to be referred by the Speaker to a committee who are instructed to report to this House:

1st. As to what additional help is needed, if any, to speedily and promptly carry on the business before the Assembly.

2nd. To report what would be a reasonable compensation for such additional help, if any is needed, for the services to be rendered.

3rd. From what date the compensation of such needed help, if any, shall begin.

Thereupon the Speaker referred the said resolution and substitute to the Committee on Rules.

A message was received from the Governor transmitting thereto certified copy of the official bond of Thos. S. Rhea, as Treasurer of the State of Kentucky, together with the copy of the oath of office, which is as follows, viz:

COMMONWEALTH OF KENTUCKY
(BOND OF TREASURER)

KNOW ALL MEN BY THESE PRESENTS: That, Thos. S. Rhea, of Russellville, Ky., as Principal, and John C. C. Mayo, of Paintsville, Ky., R. H. Vansant, of Ashland, Ky., and J. N. Camden, of Versailles, Ky., as security, hereby covenant to and with the Commonwealth of Kentucky, in the sum of two hundred thousand dollars ($200,000), that the said Thos. S. Rhea, as Treasurer of the State of Kentucky, will faithfully discharge the duties of said office during the term for which he has been elected, beginning January 1, 1912.

IN TESTIMONY WHEREOF, WITNESS the signature of said Thos. S. Rhea, and the signatures of John C. C. Mayo, R. H. Vansant and J. N. Camden, this the 1st day of January, 1912.

THOS. S. RHEA,
JNO. C. C. MAYO,
R. H. VANSANT,
J. N. CAMDEN.

Approved.
JAMES B. MCCREARY,
Governor.

COMMONWEALTH OF KENTUCKY
OFFICE OF THE SECRETARY OF STATE
CERTIFICATE

I, C. F. Crecelius, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of bond of Thomas S. Rhea, State Treasurer.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed my official seal.

Done at Frankfort this 8th day of January, 1912.

C. F. CRECELIUS,
Secretary of State.

[Seal.]

THE COMMONWEALTH OF KENTUCKY, Sct.

I, Robert L. Greene, Clerk of the Court of Appeals of Kentucky, hereby certify that Thos. S. Rhea, personally appeared before me on the first day of January, 1912, and took the oaths prescribed by the Constitution and Laws of this Commonwealth as Treasurer of and for the Commonwealth of Kentucky.

WITNESS my hand and the seal of my office, this January 6th, A. D., 1912.

ROBT. L. GREENE,
[Seal.] Clerk of the Court of Appeals of Kentucky.

A message was received from the Senate announcing that they had adopted a resolution of the following title, viz:

S. Res. 3. Resolution adopting joint rules for the Senate and House of Representatives.

Said resolution is as follows, viz.:

Be it resolved by the Senate and House of Representatives that the joint rules of the last session of the General Assembly of the Commonwealth of Kentucky be, and they are hereby adopted as the joint rules of the present session.

Said resolution was read and concurred in.

The hour of 12 o'clock, meridian, having arrived,

Mr. John W. Holland moved that the House do now proceed, in accordance with the Constitution of the United States and the laws of Kentucky, to the election of a Senator in the Congress of the United States, from the State of Kentucky, to succeed the Hon. Thos. H. Paynter, whose term of office will expire on the 4th day of March, 1913.

Said motion was agreed to.

The Speaker announced that nominations for said office were in order.

Mr. Charlton B. Thompson named the Hon. Ollie M James of the county of Crittenden as a suitable person to fill said office.

Mr. Asher named the Hon. Edwin P. Morrow of the county of Pulaski as a suitable person to fill said office.

The House then openly, by viva voce vote of each member present, proceeded to name one person for Senator in Congress of the United States from the State of Kentucky to succeed the Hon. Thos. H. Paynter, whose term of office will expire on the 4th day of March, 1913, which vote resulted as follows, viz.:

Those who voted for Mr. James were—

Robert H. Akin
P. L. Atherton
J. M. Bean
Eli Berry
A. V. Bertram
E. Bishop
H. C. Blades
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
J. Albert Leach
F. A. Lochry
Hugh Mahin
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
—75

Those who voted for Mr. Morrow were—

William Ahl
Eugene G. Asher
George Baker
Thos. M. Bertram
John F. Brewer
Hiram Brown
Wm. L. Bowling
W. Frank Cole
Eli Farmer
Allie T. Gaines
Earl C. Huntsman
M. C. Kirk
James A. Leach
B. J. Matthews
Emanuel Meyer
R. C. McClure
W. N. McCubbin
W. F. Parker
Walter S. Sinclair
W. Scott Smith
John G. Stoll
Henry Thomas
E. B. Thompson
Yeaman Watkins
—24

On summing up the vote it was found to stand thus:

For Mr. James .....75 votes
For Mr. Morrow .....24 votes
Total number of votes cast .....99 votes

Ordered that the Clerk enter on the Journal that Ollie M. James has received a majority of all the votes cast, a majority of all the members elected to the House of Representatives being present and voting.

And then the House adjourned.

WEDNESDAY, JANUARY 10, 1912.

The House was opened with prayer by Bishop C. C. Penick of the Protestant Episcopal Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had adopted a resolution of the following title, viz:

S. Res. 2. Resolution inviting Hon. Judson Harmon to address the General Assembly of the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Hon. Judson Harmon, Governor of the State of Ohio, Hon. Champ Clark, Speaker of the National House of Representatives, and Governor Woodrow Wilson of New Jersey be invited to address the General Assembly during this session at their pleasure and that a committee of three

be selected by the Lieutenant Governor to act with him in extending to the distinguished Governor this invitation.

Ordered, under the rules, that said resolution lie over.

The Speaker laid before the House the petition of W. T. Milburne of the city of Paducah asking the enactment of a law making sundry amendments to the Revenue law.

Which was received, the reading thereof dispensed with and referred to the Committee on Revenue and Taxation.

Mr. W. V. Perry offered the following joint resolution, viz.:

H. Res. 5. Resolution directing that the reports of the State Inspector and Examiner be printed and furnished to the members of the General Assembly.

Said resolution is as follows, viz.:

Whereas the State Inspector, by direction of his Excellency Governor Willson, visited the State University on two separate occasions some weeks since in order to make inspection and report on the administration and conduct of the institution.

And, Whereas, neither of these reports of the Inspector, although his work was completed about the first of December, has yet been made public.

And, Whereas, the public is, and the General Assembly are, interested to know the contents of these reports in order that intelligent action may be had by the General Assembly upon the affairs of the University; Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That two hundred copies of both these reports be printed and furnished to the members of the General Assembly for their information and use.

Under the rules said resolution lies over.

Mr. Wallace Brown of the Committee on Rules offered the following report, viz.:

The Committee on Rules respectfully report to the House the accompanying rules for its government during the present session.

QUORUM OF THE HOUSE.

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business and the numbers mentioned in this rule shall have power in the absence of the Speaker, to elect a Speaker pro tem. for the purposes above designated.

HOUR OF MEETING AND ADJOURNMENT.

Rule 2. The standing hour of meeting each day shall be ten (10) o'clock a. m., standard time, and the standing adjournment shall be 1:30 o'clock p. m., except on Monday, when the hour of meeting shall be twelve o'clock meridian, and the hour of adjournment 2 p. m. Provided, however, that a majority of the House may elect to hold extra sessions at any time and extend the sitting of any session to any time within their discretion.

THE POWERS AND DUTIES OF THE SPEAKER.

Rule 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and, a quorum being present shall cause the Journal of the preceding day to be read.

Rule 4. He shall preserve decorum and order and in case of disturbance and disorderly conduct in the gallery or lobbies may cause the same to be cleared. He shall have general control, except as provided by rule of law, of the hall of the House and of the corridors and passages, of the unappropriated rooms in that part of the capitol assigned to the use of the House, until further ordered. He may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions, of, or subject to an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

The Speaker shall have supervision over the clerks, sergeant-at-arms, doorkeeper, janitor, pages or other employes of the House, and shall direct them as to their duties, and upon the failure of any of such officials to perform his duties, the Speaker shall have power to impose a fine upon such offender, not to exceed the per diem of such official or employe for each offense. Such a fine shall be entered upon the Journal and deduction from the compensation due such offender.

Rule 5. The standing committees of the House, herein named, shall be appointed by the Speaker.

Rule 6. The Speaker may state question sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz.: "Gentlemen, you who are of the opinion that (as the question may be), say 'aye;' you of the contrary opinion, say 'nay.' "

Rule 8. If the Speaker be in doubt as to the result of a vote, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and afterward those in the negative. If the Speaker be still in doubt, or a count be requested the Speaker shall name two members, one from each side, to count those in the affirmative and the negative; which, being reported, he shall rise and state the decision of the House: Provided, however, That such decision or count shall not be allowed after the House shall have proceeded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem., shall not be empowered to act beyond a period of five (5) days.

Rule 10. No person shall be permitted upon the floor of the House except the Governor, Members of the Senate, such newspaper correspondents as may be authorized by the Speaker of the House, the Chief Executive of the United States, Judges of the Court of Appeals and of the Supreme Court of the United States and members of the Federal Congress, unless on special invitation of the House previously extended by vote of the House, and it shall be the duty of the Doorkeeper to exclude all persons not entitled to the floor of the House Chamber. If, however, other persons find their way to the floor, it shall be the duty of the sergeant-at-arms to remove them.

At least five minutes before the hour of convening each day the sergeant-at-arms shall clear the floor of the House

Chamber of all persons not entitled to the floor, and shall announce in a loud and distinct voice, "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person then in the House Chamber, who is not entitled to remain therein to vacate.

DEBATE.

Rule 11. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker.

Rule 12. If any member, in speaking, or otherwise, transgress the rules of the House the Speaker shall, or any member may, through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 13. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 14. No member shall speak more than twice on the same questions without leave of the House, and he shall not speak more than once until every member of the House choosing to speak has spoken. No member shall be allowed to speak longer than one hour in the aggregate.

Rule 15. While the Speaker is putting any question or addressing the House, no one shall walk about the House,

or leave; neither, in such a case, nor when a member is speaking, shall any one talk or pass between the Chair and the member who is speaking.

Rule 16. No member shall in debate, name another member.

Undebatable Motions.

Rule 17. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, to take up business out of its regular order, to commit or recommit, except with instruction, shall be propounded without debate.

Rule 18. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

Withdrawal of Motions.

Rule 19. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House, at any time before a decision or amendment.

Motions.

Rule 20. After a motion is made and seconded it shall be stated by the Speaker, or, being in writing, shall be handed to the Chair and read aloud by the clerk before debated.

Rule 21. Every motion shall be reduced to writing, if the Speaker or any member desire it.

Order of Motions in Debate.

Rule 22. When a question is under debate no motion shall be received, but

1. To fix the time to which the House shall adjourn.
2. Adjourn.
3. To lie on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend.
8. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

Motion to Adjourn.

Rule 23. A motion to adjourn shall always be in order except during roll call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

PREVIOUS QUESTIONS.

Rule 24. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous questions shall be to put an end to all debate, except on the final passage of the measure under consideration, the right of the opponents of the measure to have ten minutes to debate the proposition and the right of the proposer of the measure under consideration to close debate, and he shall be limited to ten (10) minutes, unless his time be extended by consent of the House, and bring the House to a direct vote on amendments proposed by a committee, if any; then on pending amendments, and all amendments which have been read for information of the House by the clerk shall be regarded as pending amendments, and then upon the main question.

DIVISION OF QUESTIONS.

Rule 25. Any member may call for a division of the question when the sense will admit of it.

COMMITMENT OF MOTIONS.

Rule 26. Motions and reports may be committed at the pleasure of the House. (See Rule 17, ante.)

AMENDMENTS.

Rule 27. No motions or propositions on a subject different from that under consideration shall be admitted under color of amendment.

ELECTIONS.

Rule 28. In all cases of elections there shall be a previous nomination before the House.

PETITIONS, MEMORIALS, ETC.

Rule 29. Petitions, memorials and other papers addressed to the House may be presented by any member in his place; and in such case he shall briefly state the contents of said petitions, memorials and other papers, and they must be received, read and referred on the same day by agreement of the House.

CALL OF YEAS AND NAYS.

Rule 30. Upon a call of the yeas and nays on any question, the names of the members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll call the Speaker shall upon the request of any member, order the clerk to call the absentees once.

CALL OF THE HOUSE.

Rule 31. On a call of the House the door shall not be shut against a member until his name is called twice, and then absentees shall be noted by the clerk, and fined one dollar, unless excused by the House.

VOTING.

Rule 32. No member shall vote on any question in the result of which he is mediately or immediately interested, or in any case where he was not within the the bar of the House before the result was announced.

Rule 33. Every member in the House when a question is put, or present before the result is announced, shall vote, unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called upon the roll, except on his own request, and then only at the end of the roll call, and before the result is announced, but in all cases of a tie the Speaker shall vote.

ORDER OF BUSINESS.

Rule 34. The order of business each day shall be as follows:

1. The reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein.

2. Petitions.

3. Motions and resolutions. Limited to one hour.

4. Reports of special and standing committees in the order as given in Rule 40.

5. On Mondays and Thursdays of each week, after the first order above named in this rule, there shall be a call of the counties for the introduction of bills according to Rule 35, which shall be privileged and take precedence of all other

business of the House: Provided, That the orders of the day be called for precisely at 12 o'clock on each day; and provided, futher, that upon the call of counties on the days provided for the presentation of bills, in the event every county shall not have been called, the clerk shall, on the next day, commence the call where he left off at the last call.

6. Any business which did not belong to the orders of the day, and which remains unfinished upon the adjournment of the House, or upon the calling of the standing orders of the day, shall be the first business in order each day upon the convening of the House, and any business which belongs to the standing orders of the day, which remains unfinished upon the adjournment of the House, shall be the first business when the orders of the day are resumed: Provided, however, That the unfinished business shall yield to the business designated in division 5, of this rule.

INTRODUCTION OF BILLS.

Rule 35. Bills shall be introduced on every Monday and Thursday on an alphabetical call of the counties for that purpose as follows:

Subdivision 1. On call of each county the member from said county shall rise from his seat and addressing the chair send to the clerk's desk any bill or bills or joint resolution which he wishes to introduce, with the title thereof indorsed thereon in a plain and legible hand, which bill or joint resolution shall be read by its title, and thereupon the Speaker shall order the same to be printed and refer the same to its appropriate committee for consideration and report, and from such order of reference by the Speaker the member introducing the bill may appeal to the House if he so desires. All bills shall be printed and distributed in the order in which

they are introduced, and the usual number of copies of the same shall be printed for the use of the members of the Senate and House.

Subdivision 2. Upon the report of a bill or joint resolution by any committee, the clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the Journal. Any standing or special committee may originate a bill and introduce the same upon its call for report, when it shall have its first reading and be ordered printed.

Subdivision 3. The clerk shall number all bills in the order they are so introduced, and continue the numbers in their order to the end of the session; and he shall keep a register of all bills introduced in the House, or transmitted for concurrence from the Senate, in which shall be recorded under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission, if House bills to the Governor, or, if Senate bills, their return to the Senate.

Subdivision 4. When a bill has had its first reading it shall be placed by the clerk in a calendar to be kept by him, and said calendar shall be separate from the bills in the orders of the day. Each day the House enters into the consideration of the orders of the day, and the clerk shall take up the calendar and give all bills therein their second reading, except such as have been placed there upon that day.

Rule 36. When a bill has been read the second time it shall be placed in the orders of the day or recommitted, and when next reached in the House, it shall be ready for amendment, recommitment or debate, or to be read a third

time and placed upon its passage. A bill may be recommitted at any time before its passage.

Rule 37. When a bill shall have been referred to any committee, it shall be the duty of the chairman of such committee, to submit the bill to the consideration of his committee, and such committee shall make such amendment to said bill as it may deem proper, and report said bill to the House with such amendments. A majority of the members of a committee shall be present before a bill may be considered. No bill shall be considered or a report on same determined upon, except when the committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing and signed by the members of the committee making such report. Bills shall not be engrossed except by order of the House; and the style of every bill shall be: "Be it enacted by the Gereral Assembly of the Commonwealth of Kentucky." Provided, however, that no committee shall hold, or refuse to report a bill for an unreasonable time, and if same shall not be reported in a reasonable time, the said bill may be called up by any member of the House and be considered in the same manner it owuld have been considered if it had been reported without expression by such committee.

Rule 38. When a bill passes, it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

SUSPENSION OF THE RULES.

Rule 39. The standing rules of the House and the regular order of business shall not be suspended or interrupted unless by a vote of a majority of the members present, a quorum being present: Provided, however, That this rule shall not prevent the suspension or postponement of any special order, or of the standing orders of the day for the purpose of completing or continuing the consideration of any measure pending at the time, such special or standing order may be reached.

STANDING COMMITTEES.

Rule 40. The following shall be and constitute the standing committee of the House of Representatives, and each committee shall be composed of nine members, except the Committee on Rules which shall be composed of eleven members and on Enrollments, which shall have five members:

Agriculture.
Appropriations.
Assignment of Committee Rooms.
Banks and Banking.
County Unit and Public Morals.
Corporate Institutions.
Commerce and Manufacturing.
Claims.
Classification of Cities and Towns.
Court of Appeals.
Circuit Courts.
County and City Courts.
Codes of Practice.
Criminal Law.

Charitable Institutions.
Cities of the Fourth Class.
Cities of the Fifth and Sixth Class.
Confederate Home.
Excutive Affairs.
Education No. 1.
Education No. 2.
Federal Relations.
Fish and Game.
Forestry.
Geological Survey.
Internal Improvements.
Immigration and Labor.
Insurance, Fire and Marine.
Insurance, Life and Accident.
Interurban and City Railways.
Judiciary.
Kentucky Statutes.
Juvenile Courts and Children's Home.
Land Titles.
Legislative Accounts.
Military Affairs.
Mines and Mining.
Municipalities.
Printing.
Propositions and Grievances.
Public Library.
Public Officers.
Public Health.
Public Roads and Highways.
Public Ditches and Fences.
Public Bridges.
Public Utilities.
Public Warehouses and Granaries.

Public Monuments and Historical Records.
Racing Commission.
Railroads.
Revenue and Taxation.
Retrenchment and Reform.
Redistricting—Legislative.
Redistricting—Congressional.
Redistricting—Judicial.
Pure Food.
State Capitol.
State Fair.
Suffrage and Election.
Sinking Fund.
State Prisons and House of Reform.
State University and Normal Schools.
Tuberculosis.
Ways and Means.
Federal and State Constitutional Amendments.
Enrollments.
Rules.

And it shall not be competent for the House by vote or otherwise to add any one to the membership of either of said committees; but a vacancy from any cause may be filled by appointment by the Speaker.

Rule 41. The Committee on Enrollments may report at any time when not excluded by a privilege motion: Provided, That when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees are called. And, Provided, also, That no bill shall be reported by any committee which was introduced after said committee began to report.

COMMITTEE OF THE WHOLE.

Rule 42. It shall be the standing order of the day throughout the session for the House to resolve itself into a Committee of the Whole House on the State of the Commonwealth.

Rule 43. When a bill or other matter is committed to a Committee of the Whole House, the question of going into the Committee of the Whole shall be first in the order of the day.

Rule 44. In committee of the Whole House, bills shall be read and debated by sections, leaving the preamble and the title to be the last considered.

Rule 45. All amendments made to an original House bill or resolution in Committee of the Whole House shall be incorporated in the original and so reported.

Rule 46. All questions, whether in the committee or in the House, shall be disposed of in the order in which they are moved, except that in filling blanks the largest sum and the most remote day shall be put first.

Rule 47. The rules of the House shall be observed in committee when applicable, excepting a rule limiting the time of speaking.

FINES.

Rule 48. All fines imposed on absentees shall be collected by the Sergeant-at-Arms and covered into the Treasury.

CLERK'S DUTY.

Rule 49. The clerk or assistant clerk shall report all bills or resolutions to the Senate unless otherwise ordered by the House.

Rule 50. No member or other person shall visit or remain by the clerk's desk when the yeas and nays are being called.

Rule 51. All bills and joint resolutions originating in the Senate and reported to this House as passed therein, shall be read by their titles, when the Speaker shall refer them to appropriate committees.

Rule 52. The clerk of the House shall by and with the approval of the Speaker, employ a stenographer or assistant whose duty it shall be to assist the clerk in his duties, and who shall see that the Journal of the House is furnished the Public Printer and printed and placed upon the member's desks. Such assistant shall be allowed as compensation for his services five dollars per day, to be certified by the clerk as a contingent expense of the House. Said appointment may be revoked at any time by the Speaker and clerk.

DUTIES OF THE ENROLLING CLERK.

Rule 53. The enrolling clerk of the House shall each day call upon the clerk and take charge of all House bills as soon as they are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them without delay to be plainly and legibly enrolled without blots, erasures or interlineations, and present the same when enrolled to the Committee

on Enrollments, who shall immediately report them to the House for comparison and the signature of the Speaker; and when signed by the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate or such committee as may be authorized to receive them in that body. All original House bills shall be returned by the enrolling clerk to the clerk of the House at the time of signing of the enrolled bills, and the clerk of the House shall carefully preserve them.

Doorkeeper and Sergeant-at-Arms.

Rule 54. The chief clerk or his assistant, the doorkeeper, the sergeant-at-arms, and all employees under them shall be in the House thirty minutes before the hour for the House to convene; and five minutes before the hour for the meeting of the House each day, the doorkeeper and sergeant-at-arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rule 10.) And the sergeant-at-arms is empowered to deputize as many assistant sergeants-at-arms as he may deem necessary to carry out the order of the Speaker under Rule 4 of these rules.

Motion to Reconsider.

Rule 55. A motion to reconsider any motion of the House shall be in order for a period of three days, Sundays included, from the time said vote was taken; but a motion to reconsider shall not be in order after action has been had by the House in consequence of the decision proposed to be reconsidered. For instance, a motion to commit cannot be reconsidered after the committee has taken the papers.

GENERAL PROVISIONS.

Rule 56. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage; Provided, The author of any measure shall have five minutes' time in which to explain upon the motion to lay on the table.

Rule 57. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is ordered by a vote of the House; and upon the question whether or not said bill shall be read the report of the committee to the contrary notwithstanding, no debate shall be allowed, except that the originator of the bill or any one indicated by him, shall have ten minutes in which to explain the bill; and any one member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading it shall be read the first time in full and recommitteed or placed in the calendar.

Rule 58. No appropriation shall be reported in any appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Rule 59. That during the least ten days of the session the Committee on Rules shall have the power at any time to call from the orders of the day any bill or resolution and propose the same to the House for consideration and should the House decide by vote to consider it, it shall be submitted for passage. The committee shall be authorized to call from other committees any bill or resolution in their hands and have them advanced to the reading to which the bills may

be entitled. Provided, however, That for the first eight days thereof the said committee shall in its discretion cause to be posted one day prior thereto a list of bills and resolutions which are to be called, but said committee may withdraw from said list any bills or resolutions so posted but shall not be permitted to substitute any other bill or resolution therefor.

Rule 60. If any bill, motion or resolution has been by vote carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to said bill, motion or resolution, unless by the unanimous consent of the House.

Rule 61. All pairs anounced in the House shall be entered on the Journal.

Rule 62. When the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll call has been completed and the result announced.

Rule 63. Five hundred (500) copies of these sules shall be immediately printed for the use of the General Assembly.

CLAUDE B. TERRELL,
Chairman Ex-Officio.
WALLACE BROWN.
MARION F. POGUE.
EDW. L. YOUNG.
B. S. WILSON.
L. C. OWINGS.

ELWOOD HAMILTON.
BEN E. NILES.
CHARLTON B. THOMPSON.
W. V. PERRY.

Pending the consideration of said report,

A message was received from the Senate through a committee composed of Senators Hogg, Eaton and Frost, announcing that the Senate was now ready to go into Joint Assembly for the purpose of executing the Joint Special Order of the day, to-wit:

The naming of one person for Senator in the Congress of the United States from the State of Kentucky.

Mr. Hamilton moved that a committee of three be appointed by the Speaker to wait upon the Senate and advise them that the House of Representatives is ready to receive the Senate in Joint Assembly for the purposes aforesaid.

Which motion was agreed to.

The Speaker appointed Messrs. Hamilton, W. V. Perry and Middleton as said committee.

Said committee retired and after a time returned and reported that they had performed that duty.

The hour of 12 o'clock, meridian, having arrived, the hour for the Joint Special Order of the day, to-wit: the naming of one person for Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. Thos. H. Paynter whose term of office will expire on the 4th day of March, 1913; said Joint Special Order being in pursuance to the Constitution and laws of the United States and of the State of Kentucky;

The Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and in pursuance of a joint rule of the Senate and House of Representatives, the Hon. Edward J. McDermott, Lieutenant Governor and President of the Senate, took the chair and presided, and Hon. Claude B. Terrell, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate.

The two Houses were convened in Joint Assembly, the same being composed of a majority of all the members elected to each House.

The roll was called, and the following members of the Joint Assembly answered to their names, viz.:

In the Senate—

B. M. Arnett	Nim. R. Cobern	W. B. Moody
L. W. Arnett	W. E. Dowling	H. D. Newcomb
T. F. Bagby	John H. Durham	J. T. Pritchard
W. J. Bale	W. V. Eaton	Mark Ryan
P. J. Beard	W. A. Frost	R. M. Salmon
J. W. Berkshire	Seldon R. Glenn	Dr. H. G. Sanders
E. Bertram	J. C. Graham	M. O. Scott
J. E. Biggerstaff	Webster Helm	C. M. Thomas
Joe F. Bosworth	E. E. Hogg	Dr. B. F. Tichenor
Hiram M. Brock	C. Holman	J. T. Tunis
Gus Brown	Hite Huffaker	W. F. Welch
J. R. Catlett	S. L. Marshall	
N. B. Chipman	Dr. C. W. Mathers	

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In the House of Representatives—

William Ahl	George Baker	Thos. M. Bertram
Robert H. Akin	J. M. Bean	E. Bishop
Eugene G. Asher	Eli Berry	H. C. Blades
P. L. Atherton	A. V. Bertram	John F. Brewer

Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
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The Journals of the proceedings had in the two Houses on yesterday, pertaining to the election of a Senator in the Congress of the United States as aforesaid, were read and approved by the Joint Assembly.

It appears upon reading and comparison of the Journals of the Senate and House of Representatives of yesterday that the vote taken in the Houses separately on yesterday were as follows, viz.:

Those who voted for Mr. James in the Senate—

B. M. Arnett
L. W. Arnett
T. F. Bagby
W. J. Bale
P. J. Beard
J. W. Berkshire
E. Bertram
Gus Brown
J. R. Catlett
N. B. Chipman
Nim. R. Cobern
W. E. Dowling
John H. Durham
W. V. Eaton
W. A. Frost
Seldon R. Glenn
J. C. Graham
Webster Helm
E. E. Hogg
Hite Huffaker
S. L. Marshall
Dr. C. W. Mathers
W. B. Moody
H. D. Newcomb
J. T. Pritchard
Mark Ryan
R. M. Salmon
Dr. H. G. Sanders
M. O. Scott
C. M. Thomas
Dr. B. F. Tichenor
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Those who voted for Mr. James in the House of Representatives—

Robert H. Akin
P. L. Atherton
J. M. Bean
Eli Berry
A. V. Bertram
E. Bishop
H. C. Blades
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
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Those who voted for Mr. Morrow in the Senate—

J. E. Biggerstaff Hiram M. Brock J. T. Tunis
C. Holman —4

Those who voted for Mr. Morrow in the House of Representatives—

William Ahl	Eli Farmer	W. N. McCubbin
Eugene G. Asher	Allie T. Gaines	W. F. Parker
George Baker	Earl C. Huntsman	Walter S. Sinclair
Thos. M. Bertram	M. C. Kirk	W. Scott Smith
John F. Brewer	J. Albert Leach	John G. Stoll
Hiram Brown	B. J. Matthews	Henry Thomas
Wm. L. Bowling	Emanuel Meyer	E. B. Thompson
W. Frank Cole	R. C. McClure	Yeaman Watkins

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On summing up the vote it was found to stand thus:

In Senate—

For Ollie M. James ..... 31 votes.
For Edwin P. Morrow ..... 4 votes.

In House of Representatives—

For Ollie M. James ..... 75 votes.
For Edwin P. Morrow ..... 24 votes.

It appearing from the reading and comparison of the Journals aforesaid that Hon. Ollie M. James received a majority of all the votes cast in each House, a majority of all the members elected to each House being present and voting, the Hon. Edward J. McDermott, Lieutenant Governor and President of the Senate, presiding over the Joint Assembly, announced and declared that the Hon. Ollie M. James is duly elected Senator in the Congress of the United States from the State of Kentucky, for a term of six years

beginning on the 4th day of March, 1913, to succeed the Hon. Thos. H. Paynter, whose term of office will expire on the 4th day of March, 1913.

The Journals of the proceedings of the Joint Assembly of today were read and approved by the Joint Assembly.

Senator Dowling moved that the Joint Assembly do now dissolve.

Said motion was agreed to.

The Senate retired and Hon. Claude B. Terrell, Speaker of the House of Representatives, resumed the chair and called the House to order.

Mr. Hamilton moved that when this House adjourn it be to meet again this afternoon at 3 o'clock, for the purpose of further consideration of the said report of the Committee on Rules and theannouncement of the Standing Committees by the Speaker.

Said motion was agreed to.

Mr. Harry J. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned till 3 o'clock.

AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

The House resumed consideration of the report of the Committee on Rules as made at the morning session of today.

Mr. Schoberth offered the following amendment to the report, viz.;

Amend Rule 39 by striking out the words "two-thirds of the members present" and substituting therefor the words "A majority of the members present, a quorum being present."

Mr. Herrington moved the previous question.

The Speaker announced shall the main question be now put?

The question being taken thereon it was decided in the affirmative.

The question was then taken on theamendment as proopsed by Mr. Schoberth.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Schoberth and Herrington were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	William J. Kuh
Eugene G. Asher	J. H. Elder	J. Albert Leach
George Baker	Eli Farmer	F. A. Lochry
A. V. Bertram	S. Walton Forgy	Hugh Mahin
Thos. M. Bertram	Allie T. Gaines	B. J. Matthews
E. Bishop	Joe Hall	Emanuel Meyer
John F. Brewer	L. B. Herrington	Harry J. Meyers
Hiram Brown	John W. Holland	R. C. McClure
Wm. L. Bowling	R. Dillard Hunter	L. B. Owen
C. W. Burton	Earl C. Huntsman	A. W. Palmer
G. E. Carroll	Green R. Keller	W. F. Parker
Sidney G. Clay	John G. Kelley	W. A. Price
W. Frank Cole	M. C. Kirk	S. H. Rogers
W. L. Craig	Charles H. Knight	H. A. Schoberth

Robt. H. Scott	A. H. Stamper	Yeaman Watkins
W. A. Shawler	John G. Stoll	E. B. Wiley
Walter S. Sinclair	Henry Thomas	J. H. Williams
W. Scott Smith	E. B. Thompson	Charles Yancy
Adam Spahn	D. B. Thurman	—57

Those who voted in the negative were—

Robert H. Akin	D. Clarence Gray	Ben E. Niles
P. L. Atherton.	T. J. Gregory	J. R. Paxton
J. M. Bean	Elwood Hamilton	William A. Perry
Eli Berry	V. D. Hammond	W. V. Perry
H. C. Blades	A. B. Hatton	Marion F. Pogue
Wallace Brown	A. B. Holland	John A. Polin
George P. Chinn	W. J. Jackson	Stanley F. Reed
Henry Chunn	W. E. King	C. B. Thompson
Elkanah Dickey	James A. Leach	Louis B. Tieman
Francis B. Douglas	S. F. Middleton	David W. Wiley
Ben F. Egleston	W. N. McCubbin	B. S. Wilson
John M. Farra	C. B. Nichols	Edward L. Young
John F. Fryer		—36

Said report as amended was then adopted.

Mr. Schoberth moved that the vote by which said amendment was adopted be reconsidered and that said last-named motion be laid on the table.

Said motion was agreed to.

The Speaker announced the appointment of the Standing Committees of the House for this session, viz.:

AGRICULTURE—V. D. Hammond, Chairman; C. B. Nichols, Hugh Mahin, John G. Kelley, James A. Leach, J. M. Bean, John F. Fryer, Elkanah, Dickey, T. M. Bertram.

APPROPRIATIONS—Elkanah Dickey, Chairman; R. D. Hunter, A. V. Bertram, W. H. Shanks, James R. Howell, H. C. Blades, S. H. Rogers, R. H. Akin, James Albert Leach.

ASSIGNMENT OF COMMITTEE ROOMS—H. J. Meyers, Chairman; James A. Leach, E. Bishop, John G. Kelley, Samuel L. Robertson, S. H. Rogers, John F. Fryer, Yeaman Watkins, John F. Brewer.

BANKS AND BANKING—James A. Leach, Chairman; Stanley F. Reed, P. L. Atherton, Hugh Mahin, Henry Chunn, G. L. Drury, Robt. H. Scott, Hiram Brown, John G. Stoll.

COUNTY UNIT AND PUBLIC MORALS—Ben E. Niles, Chairman; M. F. Pogue, A. W. Palmer, Charles Yancy, Ben F. Egleston, Louis B. Tieman, Sidney J. Collins, A. B. Holland, W. Frank Cole.

CORPORATE INSTITUTIONS—Wallace Brown, Chairman; L. B. Herrington, E. Bishop, Henry Chunn, Elkanah Dickey, W. L. Craig, E. B. Wiley, G. E. Carroll, Allie T. Gaines.

COMMERCE AND MANUFACTURING—Samuel Robertson, Chairman; James A. Leach, Hugh Mahin, James R. Howell, Louis B. Tieman, W. J. Kuh, A. V. Bertram, Walter Sinclair, Henry Thomas.

CLAIMS—R. D. Hunter, Chairman; C. W. Burton, Luther C. Owings, W. L. Craig, John F, Fryer, J. H. Elder, E. B. Wiley, Walter Sinclair, W. N. McCubbin.

CLASSIFICATION OF CITIES AND TOWNS—L. B. Owen, Chairman; Eli Berry, D. W. Wiley, B. S. Wilson, R. D. Hunter, C. B. Thompson, S. W. Forgy, Sidney G. Gray, Francis B. Douglas.

COURT OF APPEALS—R. C. McClure, Chairman; D. R. Thurman, W. V. Perry, A. H. Stamper, Joe Hall, S. W. Forgy, H. A. Schoberth, W. L. Bowling, W. Scott Smith.

CIRCUIT COURTS—John Polin, Chairman; John W. Holland, T. J. Gregory, W. L. Craig, A. H. Stamper, F. A. Lochry, M. C. Kirk, Hiram Brown, Earl C. Huntsman.

COUNTY AND CITY COURTS—G. E. Carroll, Chairman; J. M. Bean, W. L. Craig, H. C. Blades, D. W. Wiley, S. F. Middleton, J. R. Patxon, Eugene G. Asher, William Ahl.

CODES OF PRACTICE—F. A. Lochry, Chairman; D. B. Thurman, H. A. Schoberth, W. A. Perry, A. H. Stamper, G. L. Drury, Ed. L. Young, R. C. McClure, Earl C. Huntsman.

CRIMINAL LAW—D. B. Thurman, Chairman; Eli Berry, W. A. Perry, W. H. Shanks, John W. Holland, W. L. Craig, E. B. Thompson, R. C. McClure, William Ahl.

CHARITABLE INSTITUTIONS—Sidney J. Collins, Chairman; Francis B. Douglass, L. B. Owen, C. D. McCrea, T. J. Gregory, D. W. Wiley, S. H. Rogers, A. V. Bertram, Hiram Brown.

CITIES OF THE FOURTH CLASS—Louis B. Tieman, Chairman; Sidney G. Clay, T. J. Gregory, R. H. Akin, S. H. Rogers, Geo. P. Chinn, J. R. Paxton, Eugene G. Asher, Eli Farmer.

CITIES OF THE FIFTH AND SIXTH CLASSES—John G. Kelley, Chairman; L. B. Owen, J. H. Elder, Elkanah Dickey, S. F. Middleton, C. W. Burton, Green R. Keller, Henry Thomas, Yeaman Watkins.

CONFEDERATE HOME—Charles Yancy, Chairman; Green R. Keller, H. A. Schoberth, W. J. Jackson, S. W. Forgy, J. M. Bean, R. D. Hunter, B. J. Matthews, James Albert Leach.

CONSTITUTIONAL AMENDMENT—Stanley F. Reed, Chairman; Peter Lee Atherton, Robt. H. Scott, Charlton B. Thompson, S. W. Forgy, G. E. Carroll, Eli Berry, E. B. Thompson, Eugene G. Asher.

EDUCATION No. 1—M. F. Pogue, Chairman; H. A. Schoberth, Ben E. Niles, Henry Chunn, B. F. Egleston, D. Clarence Gray, V. D. Hammond, William Ahl, W. Scott Smith.

EDUCATION No. 2—A. W. Palmer, Chairman; Joe Hall, H. C. Blades, W. J. Kuh, John W. Holland, D. W. Wiley, W. J. Jackson, W. N. McCubbin, Allie T. Gaines.

EXECUTIVE AFFAIRS—T. J. Gregory, Chairman; L. B. Herrington, W. J. Jackson, Green R. Keller, C. B. Nichols, W. J. Kuh, Clarence D. Gray, Eli Farmer, T. M. Bertram.

FEDERAL RELATIONS—S. H. Rogers, Chairman; J. Howard Williams, B. F. Egleston, J. H. Elder, Charles Yancy, W. A. Shawler, A. B. Hatton, W. Frank Cole, Emanuel Meyer.

FISH AND GAME—D. W. Wiley, Chairman; Sidney G. Clay, H. J. Meyers, L. B. Herrington, J. H. Williams, Henry Chunn, A. H. Stamper, Emanuel Meyer, Henry Thomas.

FORESTRY—D. Clarence Gray, Chairman; Charlton B. Thompson, W. A. Price, W. H. Shanks, D. B. Thurman, Chas. D. McCrea, Ed. L. Young, E. G. Asher, Walter S. Sinclair.

GEOLOGICAL SURVEY—John W. Holland, Chairman; F. B. Douglas, Henry Chunn, Ben E. Niles, R. D. Hunter, Sidney J. Collins, A. V. Bertram, T. M. Bertram, George Baker.

INTERNAL IMPROVEMENTS—W. H. Shanks, Chairman; A. W. Palmer, W. L. Craig, H. C. Blades, D. Clarence Gray, C. W. Burton, Adam Spahn, John F. Brewer, Walter S. Sinclair.

IMMIGRATION AND LABOR—W. E. King, Chairman; Adam Spahn, J. H. Williams, Louis B. Tieman, A. B. Hatton, John Polin, W. J. Jackson, Emanuel Meyer, George Baker.

INSURANCE—LIFE AND ACCIDENT—R. H. Akin, Chairman; D. B. Thurman, E. Bishop, W. A. Perry, L. B. Herrington, F. A. Lochry, Ben E. Niles, W. L. Craig, B. J. Matthews.

INSURANCE—FIRE—James R. Howell, Chairman; Robert H. Akin, P. L. Atherton, Elkanah Dickey, G. E. Carroll, John M. Farra, F. B. Douglas, Earl C. Huntsman, Allie T. Gaines.

INTERURBAN AND CITY RAILWAYS—Chas. D. McCrea, Chairman; Robt. H. Scott, Ben E. Niles, C. B. Nichols, H. J. Meyers, Sidney G. Clay, Samuel L. Robertson, John G. Stoll, Emanuel Meyer.

JUDICIARY—Charlton B. Thompson, Chairman; L. B. Herrington, G. L. Drury, S. W. Forgy, F. A. Lochry, Wallace Brown, Wm. A. Perry, Wm. L. Bowling, E. B. Thompson.

KENTUCKY STATUTES—H. A. Schoberth, Chairman; B. S. Wilson, W. V. Perry, Stanley F. Reed, John Polin, John W. Holland, W. A. Price, M. C. Kirk, W. Scott Smith.

JUVENILE COURTS AND CHILDREN'S HOME—J. M. Bean, Chairman; W. A. Price, Adam Spahn, W. H. Shanks, T. J. Gregory, Sidney J. Collins, Ben F. Egleston, Eli Framer James Albert Leach.

LAND TITLES—Wm. A. Perry, Chairman; C. W. Burton, W. A. Shawler, A. H. Stamper, David B. Thurman, Adam Spahn, J. Howard Williams, W. Scott Smith, M. C. Kirk.

LEGISLATIVE ACCOUNTS—S. F. Middleton, Chairman; T. J. Gregory, E. Bishop, Henry Chunn, J. H. Elder, W. E. King, S. H. Rogers, George Baker, W. Frank Cole.

MILITARY AFFAIRS—Charles Knight, Chairman; Ed. L. Young, Charles Yancy, A. H. Stamper, John F. Fryer, Sidney J. Collins, W. A. Shawler, Hiram Brown, Yeaman Watkins.

MINES AND MINING—Geo. P. Chinn, Chairman; G. L. Drury, M. F. Pogue, F. A. Lochry, W. E. King, Joe Hall, Ed. L. Young, George Baker, M. C. Kirk.

MUNICIPALITIES—Peter Lee Atherton, Chairman; Charles D. McCrea, Eli Berry, Robert H. Scott, Harry J. Meyers, C. B. Nichols, Stanley F. Reed, W. Frank Cole, John G. Stoll.

PRINTING—Adam Spahn, Chairman; Green R. Keller, Wallace Brown, Francis B. Douglas, J. R. Paxton, Joe Hall, John Polin, Henry Thomas, T. M. Bertram.

PROPOSITIONS AND GRIEVANCES—John F. Fryer, Chairman; W. A. Shawler, A. B. Hatton, Charles Yancy, E. B. Wiley, Adam Spahn, A. W. Palmer, Eli Farmer, E. B. Thompson.

PUBLIC LIBRARY—Henry Chunn, Chairman; W. V. Perry, D. Clarence Gray, J. M. Bean, A. B. Hatton, W. E. King, W. J. Kuh, James Albert Leach, W. F. Parker.

PUBLIC OFFICES—C. W. Burton, Chairman; Hugh Mahin, Joe Hall, Charles Knight, E. B. Wiley, J. R. Paxton, Samuel L. Robertson, B. J. Matthews, William Ahl.

PUBLIC HEALTH—E. Bishop, Chairman; J. A. Leach, A. W. Palmer, D. W. Wiley, W. A. Price, John G. Kelley, T. J. Gregory, R. C. McClure, W. F. Parker.

PUBLIC ROADS AND HIGHWAYS—John M. Farra, Chairman; L. C. Owings, J. M. Bean, J. R. Paxton, A. W. Palmer, C. B. Thompson, D. Clarence Gray, W. F. Parker, B. J. Matthews.

PUBLIC BRIDGES—W. A. Price, Chairman; J. R. Paxton, Samuel L. Robertson, V. D. Hammond, Louis B. Tieman, J. Howard Williams, Charles Yancy, Yeaman Watkins, E. B. Thompson.

PUBLIC UTILITIES—Eli Berry, Chairman; George P. Chinn, A. B. Holland, James R. Howell, Elwood Hamilton, W. H. Shanks, L. C. Owings, Hiram Brown, George Baker.

PUBLIC WAREHOUSES AND GRANARIES—B. F. Egleston, Chairman; V. D. Hammond, John G. Kelley, Charles H. Knight, James A. Leach, Hugh Mahin, S. F. Middleton, W. L. Bowling, James Albert Leach.

PUBLIC MONUMENTS AND HISTORICAL RECORDS—W. J. Jackson, Chairman; P. L. Atherton, D. Clarence Gray, John G. Kelley, James R. Howell, V. D. Hammond, Green R. Keller, William Ahl, Walter S. Sinclair.

PURE FOOD—A. V. Bertram, Chairman; John Polin, J. M. Bean, B. F. Egleston, J. H. Elder, Green R. Keller, Charles H. Knight, W. N. McCubbin, Emanuel Meyer.

PUBLIC DITCHES AND FENCES—W. A. Shawler, Chairman; G. L. Drury, John M. Farra, M. F. Pogue, L. B. Owen, J. H. Elder, Luther C. Owings, T. M. Bertram, Walter S. Sinclair.

RACING COMMISSION—Sidney G. Clay, Chairman; Geo. P. Chinn, C. B. Nichols, Samuel L. Robertson, L. B. Owen, H. J. Meyers, Wm. J. Kuh, Wm. F. Parker, W. L. Bowling.

RAILROADS—J. Howard Williams, Chairman; Elwood Hamilton, Peter Lee Atherton, Wallace Brown, M. F. Pogue, W. V. Perry, B. S. Wilson, John M. Farra, M. C. Kirk.

REVENUE AND TAXATION—Ed. L. Young, Chairman; L. B. Owen, W. V. Perry, R. H. Akin, John W. Holland, Sidney J. Collins, John M. Farra, Ben E. Niles, John G. Stoll.

RETRENCHMENT AND REFORM—E. B. Wiley, Chairman; W. J. Kuh, Harry J. Meyers, Robert H. Scott, W. A. Shawler, A. V. Bertram, John F. Brewer, Eli Farmer, W. N. McCubbin.

REDISTRICTING—CONGRESSIONAL—G. L. Drury, Chairman; Stanley F. Reed, W. V. Perry, W. E. King, John Farra, John A. Polin, Joe Hall, C. B. Thompson, Eli Farmer.

REDISTRICTING—JUDICIAL—S. W. Forgy, Chairman; Elwood Hamilton, A. B. Holland, Eli Berry, Geo. P. Chinn, Wallace Brown, R. Dillard Hunter, C. D. McCrea, W. L. Bowling.

REDISTRICTING—LEGISLATURE—J. R. Paxton, Chairman; B. F. Egleston, Hugh Mahin, R. H. Akin, John G. Kelley, D. W. Wiley, J. R. Howell, M. F. Pogue, John F. Brewer.

STATE CAPITOL—Francis B. Douglas, Chairman; Elwood Hamilton, G. E. Carroll, A. B. Holland, G. L. Drury, Louis B. Tieman, L. C. Owings, S. F. Middleton, John G. Stoll.

STATE FAIR—Luther C. Owings, Chairman; R. H. Akin, Charles Knight, W. A. Price, S. F. Middleton, John M. Farra, H. A. Schoberth, Yeaman Watkins, B. J. Matthews.

SUFFRAGE AND ELECTIONS—B. S. Wilson, Chairman; W. H. Shanks, A. V. Bertram, W. E. King, Elkanah Dickey, George P. Chinn, Elwood Hamilton, Charles D. McCrea, Eugene G. Asher.

SINKING FUND—H. C. Blades, Chairman; A. B. Holland, E. B. Wiley, C. B. Nichols, John F. Fryer, A. B. Hatton, Allie T. Gaines, R. C. McClure, B. J. Matthews.

STATE PRISONS AND HOUSES OF REFORM—Elwood Hamilton, Chairman; Geo. P. Chinn, Wallace Brown, H. C. Blades, W. J. Jackson, Ed. L. Young, V. D. Hammond, Peter Lee Atherton, Earl C. Huntsman.

STATE UNIVERSITY AND NORMAL SCHOOLS—C. B. Nichols, Chairman; A. W. Palmer, Stanley F. Reed, L. B. Herrington, V. D. Hammond, F. A. Lochry, B. S. Wilson, Frank B. Cole, Henry Thomas.

TUBERCULOSIS—Green R. Keller, Chairman; F. B. Douglas, Sidney G. Clay, E. Bishop, C. W. Burton, J. H. Elder, A. B. Hatton, John F. Brewer, Earl C. Huntsman.

WAYS AND MEANS—Robt. H. Scott, Chairman; H. Blades, Elkanah Dickey, A. B. Holland, Sidney J. Collins, W. E. King, W. Scott Smith, W. N. McCubbin, W. F. Parker.

ENROLLMENTS—A. B. Holland, Chairman; G. E. Carroll, Eli Berry, Charles Knight, Allie T. Gaines.

RULES—C. B. Terrell, Chairman; Wallace Brown, H. A. Schoberth, M. F. Pogue, Ben E. Niles, Elwood Hamilton, L. C. Owings, B. S. Wilson, W. V. Perry, C. B. Thompson, Ed. L. Young.

And then the House adjourned.

THURSDAY, JANUARY 11, 1912.

The House was opened with prayer by the Rev. Dr. C. C. Penick, of the Protestant Episcopal Church, of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the counties and representatives districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Huntsman:

H. B. 1. An act to prevent the consolidation of Fire, Life, Accident, Health and other insurance companies and to protect the policy and stockholders of same.

To Committee on Fire Insurance.

By same:

H. B. 2. An act for the benefit of male citizens of this Commonwealth who have attained the age of sixty years.

To Committee on Revenue and Taxation.

By same:

H. B. 3. An act to repeal an act entitled an act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky, by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Bureau of Vital Statistics, as required to be established by the State Board of Health, to provide for the

reporting of morbidity statistics and to assure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

To Committee on Public Health.

By Mr. Dickey:

H. B. 4. An act to regulate and control the giving or tender of free tickets, free passes or reduced transportation for freight or passengers by railroad or other transportation companies.

To Committee on Railroads.

By Mr. Wilson:

H. B. 5. An act to provide for the free distribution of necessary school books to the pupils of public schools of this Commonwealth, to regulate same and to punish persons violating the provisions thereof.

To Committee on Education No. 2.

By Mr. Asher:

H. B. 6. An act changing the name of Mt. Pleasant to Harlan.

To Committee on Classification of Cities and Towns.

By Mr. Douglas:

H. B. 7. An act for the benefit of the Kentucky School for the Deaf.

To Committee on Charitable Institutions.

By same:

H. B. 8. An act to regulate the practice of veterinary medicine, surgery and denistry in the State of Kentucky, to establish a State Board of Veterinary Medical Examiners and to provide penalties for violating the porvisions thereof.

To Committee on Agriculture.

By same:

H. B. 9. An act to appropriate three thousand dollars ($3,000.00) to purchase fifteen acres in Boyle county, Kentucky, surrounding the Confederate grave yard and monument thereon erected by the State of Kentucky to preserve the graves of the Confederate soldiers who were slain at the battle of Perryville, and to erect a small house thereon.

To Committee on Public Monuments and Historical Records.

By Mr. Akin:

H. B. 10. An act to amend Chapter 21 of the acts of 1906 entitled "An act to amend section 2560 of the Kentucky Statutes," it being a portion of article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors Intoxicating."

To Committee on County Unit and Public Morals.

By Mr. Tieman:

H. B. 11. An act to amend an act for the government of cities of the fourth class, approved June 28, 1893, relating to the reconstruction of the public ways of cities of the fourth class.

To Committee on Cities of the Fourth Class.

By Mr. Brewer:

H. B. 12. An act to amend and re-enact section 68 and subsection 4, Carroll's compilation, Kentucky Statutes, 1909 edition.

To Committee on Agriculture.

By Mr. Berry:

H. B. 13. An act to provide for party nominations by direct vote.

To Committee on Suffrage and Elections.

By same:

H. B. 14. An act to amend an act entitled "Crimes and Punishments," which became a law on the 10th day of April, 1893.

To Committee on Criminal Law.

By same:

H. B. 15. An act relating to capitation tax and providing for the collection of but one poll tax from citizens of cities of the Third Class.

To Committee on Revenue and Taxation.

By Mr. Matthews:

H. B. 16. An act to amend and re-enact section 253 of the Constitution of Kentucky.

To Committee on Constitutional Amendments.

By same:

H. B. 17. An act to amend an act entitled "An act for the government and regulation of the Common Schools of this State," approved March 24, 1908.

To Committee on Education No. 1.

By Mr. Nichols:

H. B. 18. An act to amend section 73 of the Civil Code of Practice.

To Committee on Codes of Practice.

By Mr. Hall:

H. B. 19. An act creating the Thirty-fifth Judicial District of Kentucky.

To Committee on Redistricting—Judicial.

By same:

H. B. 20. An act concerning drunkenness.

To Committee on County Unit and Public Morals.

By same:

H. B. 21. An act concerning deadly weapons.

To Committee on Criminal Law.

By same:

H. B. 22. An act requiring all associations, corporations or persons owning, leasing or operating a line or lines of telegraph or telephone through or adjacent to incorporated towns, to establish and maintain an office or offices therein

for the receipt, transmission and delivery of messages and providing penalty for violation thereof.

To Committee on Public Utilities.

By Mr. Hamilton:

H. B. 23. An act to provide for the erection and completion of a Governor's mansion and other necessary buildings connected therewith at the seat of government.

To Committee on State Capitol.

By same:

H. B. 24. An act to create the thirty-fifth Judicial District of Kentucky, and to change the twelfth and fourteenth Circuit Court Judicial Districts, and to provide for the holding of courts in the said thirty-fifth Judicial District.

To Committee on Redistricting—Judicial.

By same:

H. B. 25. An act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds and to control and regulate contributions made for campaign purposes to further the election of any party organization or person, and fixing penalties therefor.

To Committee on Suffrage and Election.

By Mr. Gregory:

H. B. 26. An act to amend section 4310 of an act entitled "Roads and Passways," approved March 10, 1894, as amended by an act entitled "An act to amend section 4310 of

an act entitled roads and passways, approved March 10, 1894," approved March 22, 1904.

To Committee on Public Roads and Highways.

By Mr. Williams:

H. B. 27. An act for the benefit of traveling men, railroad men, and all others whose occupation or duties cause them to be absent from their homes on election day.

To Committee on Suffrage and Elections.

By Mr. Middleton:

H. B. 28. An act to repeal an act entitled "An act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths, etc., etc.

To Committee on Public Health.

By same:

H. B. 29. An act to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs."

To Committee on Agriculture.

By Mr. Niles:

H. B. 30. An act to amend Chapter 21, of the acts of 1908, entitled "An act to amend section 2560 of the Kentucky Statutes," it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes, entitled "Liquors Intoxicating."

To Committee on County Unit and Public Morals.

By same:

H. B. 31. An act qualifying and enabling women to vote for the election of School Trustees and other school officers

chosen by the people except such officers as women may be disqualified from voting for by the Constitution, and upon school measures or questions submitted to a vote of the people, and to hold common school offices, except such offices as women are disqualified from holding by the Constitution.

To Committee on Education No. 1.

By Mr. Owings:

H. B. 32. An act to amend section 12 of an act approved March 20, 1910, entitled "An act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock of the State."

To Committee on Agriculture.

By same:

H. B. 33. An act providing for the destruction of the carcass of swine dying from cholera and other diseases.

To Committee on Agriculture.

By Mr. Spahn :

H. B. 34. An act relating to Fiscal Courts.

To Committee on County and City Courts.

By same:

H. B. 35. An act to amend sections 909, 911 and 1632 of the Kentucky Statutes of 1909, compiled by the Hon. John D. Carroll.

To Committee on Kentucky Statutes.

By same:

H. B. 36. An act relating to the government of the first class, which provides for compensation to members to the general council.

To Committee on Municipalities.

By same:

H. B. 37. An act to amend section 11 of an act relating to husband and wife and entitled "Husband and Wife," approved May 16, 1893, Kentucky Statutes, section 2.

To Committee on Judiciary.

By same:

H. B. 38. An act to amend section 3783, Kentucky Statutes relating to the salaries of patrols of counties having a population of over one hundred and fifty thousand inhabitants.

To Committee on Municipalities.

By same:

H. B. 39. An act in relation to the procuring of female persons to become or remain prostitutes; to define and prohibit the same, to provide for the punishment thereof, and for the competency certain evidence at the trial.

To Committee on Kentucky Statutes.

By same:

H. B. 40. An act to amend an act of the General Assembly of the Commonwealth, approved March 19, 1908, entitled "An act relating to children who are now or may be-

come dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised as amended by an act approved March 23, 1910, entitled "An act to amend section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled 'An act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the treatment, care or control of such children to provide for the means whereby such powers may be exercised.'"

To Committee on Juvenile Courts.

By Mr. Kuh:

H. B. 41. An act to provide a stenographer for Commonwealth's Attorney of districts containing counties in the Commonwealth containing a population of two hundred thousand or over.

To Committee on Circuit Courts.

By same:

H. B. 42. An act creating a parental home and school commission in counties containing a city of the first class, defining the powers and duties thereof and empowering and requiring Fiscal Courts to levy a tax to create funds for the purposes of this act.

To Committee on Juvenile Courts.

By Mr. Atherton:

H. B. 43. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

To Committee on State Prisons and Houses of Reform.

By Mr. W. A. Perry:

H. B. 4. An act to amend and re-enact Sections 2469 and 2470 of Chapter 79, Kentucky Statutes of 1903, compiled by John D. Carroll, entitled "Liens, Mechanics and Material Men."

To Committee on Kentucky Statutes.

By Mr. Emanuel Meyer:

H. B. 45. An act to repeal an act entitled "An act to incroporate the Ohio Valley Telephone Company, approved April 3, 1886, being Chapter 511 of the Session's Acts of 1885 and 1886.

To Committee on Public Utilities.

By same:

H. B. 46. An act making it unlawful to obtain with fraudulent intent money or other property or to obtain credit with like intent by means of a check, draft or order and defining penalty therefor.

To Committee on Criminal Courts.

By same:

H. B. 47. An act relating to desertion and non-support of wife by husband or of children by either father or mother and providing punishment therefor.

To Committee on Judiciary.

By Mr. Robertson:

H. B. 48. An act for the commutation of sentence for prisoners confined in jail of the cities of the first class.

To Commerce and Manufacture.

By same:

H. B. 49. An act appointing matrons for jails for cities of the first class.

To Committee on Commerce and Manufacture.

By same:

H. B. 50. An act providing for a hospital board for the management and control of the city hospital in cities of the first class.

To Committee on Commerce and Manufacture.

By same:

H. B. 51. An act to establish curfew hours in cities of the first and second class.

To Committee on Commerce and Manufacture.

By same:

H. B. 52. An act to amend and re-enact sections 2241 and 2242, Kentucky Statutes.

To Committee on Circuit Courts.

By same:

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal Government for the purpose of establishing a Fish Hatchery.

To Committee on State Fair.

By same:

H. B. 54. An act to amend and re-enact Section 1, Article 13, Chapter 22 of an act entitled "An act relating to Revenue and Taxation."

To Committee on Revenue and Taxation.

By Mr. Owings:

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same:

To Committee on State Fair.

By Mr. Charlton B. Thompson:

H. B. 56. An act to provide for certain party nominations by direct vote.

To Committee on Suffrage and Elections.

By same:

H. B. 57. An act changing and fixing the time for holding courts in the 27th Judicial District of Kentucky.

To Committee on Circuit Courts.

By same:

H. B. 58. An act to establish a Department of Banking providing for the appointment of a Commissioner, Deputy Commissioner and Examiners thereof, and prescribing their duties, and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

To Committee on Banks and Banking.

By Mr. Price:

H. B. 59. An act to amend and re-enact Section 32, Article 8, Chapter 22, of an act entitled "An act relating to revenue and taxation, which became a law March 15, 1906, and being Section 4154, Kentucky Statutes.

To Committee on Revenue and Taxation.

By same:

.H B. 60. An act to regulate the construction, maintenance and operation of hotels, inns and public lodging houses and prescribing penalties for the violation of this law.

To Committee on Kentucky Statutes.

By same:

H. B. 61. An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State, and appropriating money therefor.

To Committee on Forestry.

By Mr. Harry J. Meyer:

H. B. 62. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance, and to regulate and control the rates of premium thereon and create a State Insurance Board, defining the powers and duties of said Board.

To Committee on Fire Insurance.

By same:

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture, the Department of Public Roads and creating the office of Public Roads Commissioner and prescribing the duties thereof and fix the salary thereof, and creating the State Road Fund and fixing the manner and means of distributing the same.

To Committee on Public Roads and Highways.

By same:

H. B. 64. An act defining Public Roads and providing for their maintenance and construction, and providing for raising revenues in the counties for construction and maintenance, and creating the office of County Road Engineer, and prescribing the duties thereof.

To Committee on Public Roads and Highways.

By Mr. Parker:

H. B. 65. An act creating the County of McCreary.

To Committee on Judiciary.

By Mr. E. B. Thompson:

H. B. 66. An act to establish a Sub-experiment Station in Western Kentucky, a like Station in middle West Kentucky, a like Station in North Eastern Kentucky.

To Committee on Agriculture.

By same:

H. B. 67. An act dividing the State into thirty-eight Senatorial Districts.

To Committee on Redistricting—Legislative.

By Mr. Shanks:

H. B. 68. An act providing for the uniform accounting and inspection of public offices in Kentucky.

To Committee on Kentucky Statutes.

By Mr. W. V. Perry:

H. B. 69. An act repealing the Charter of Adairville public school district.

To Committee on Kentucky Statutes.

By same:

H. B. 70. An act entitled An act to regulate by a Public Utilities Commission, telephone, telegraph and express companies.

To Committee on Public Utilities.

By same:

H. B. 71. An act prescribing the liability of an employer, to make compensation for injuries received by an employee in the course of his employment.

To Committee on Kentucky Statutes.

By same:

H. B. 72. An act entitled an act amending paragraph 1 of Section 606 of Carroll's 1906 edition of the Kentucky Civil Code of Practice.

To Committee on Codes of Practice.

By same:

H. B. 73. An act to amend Sections 2557 and 2557a of Carroll's 1909 edition of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Herrington:

H. B. 74. An act to amend Section 1757 of Kentucky Statutes relating to the members, qualifications and duties of the State Board of Health.

To Committe on Kentucky Statutes.

By same.

H. B. 75. An act to define the duty of common carriers of freight respecting the speed cars of live stock.

To Committee on Railroads.

By same:

H. B. 76. An act establishing and governoring a Geological Survey of Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky.

To Committee on Geological Survey.

By same:

H. B. 77. An act to regulate lobbying and the conduct of legislative counsel and agents in Kentucky.

To Committee on Kentucky Statutes.

By Mr. Rogers:

H. B. 78. An act to prevent bribery in elections and enforce Section 151 of the Constitution of Kentucky.

To Committee on Suffrage and Election.

By Mr. Reed:

H. B. 79. An act to enable Counties or parts of Counties to erect and furnish school houses and to provide the money therefor by the issuance of bonds.

To Committee on Education No. 1.

By Mr. Scott:

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenue for the maintenance of said experiment station, and for conducting experiments in the various lines of Agriculture and to meet the increased demands made upon it as a public institution.

To Committee on Agriculture.

By Mr. Chinn:

H. B. 81. An act to create a Board of Commissioners to govern the penitentiaries of this Commonwealth.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 82. An act fixing terms of penitentiary guards.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 83. An act to repeal chapter 10 of Session Acts of 1906, relating to tax on dogs.

To Committee on Agriculture.

By Mr. Smith:

H. B. 84. An act to amend and re-enact Section 68a Kentucky Statutes, Carroll's edition, 1909, relating to dogs and the promotion of the sheep industry.

To Committee on Agriculture.

By Mr. Stamper:

H. B. 85. An act relating to carrying cancealed weapons and providing penalty.

To Committee on Criminal Law.

By Mr. Wallace Brown:

H. B. 86. An act to amend an act entitled "An act to repeal Section 1136, Chapter 36, of the Kentucky Statutes,

and to substitute therefor," approved March 7, 1910, relating to indeterminate sentences.

To Committee on Criminal Law.

By Mr. Brown of Nelson County:

H. B. 87. An act to amend Section 1259, Chapter 36 of the Kentucky Statutes entitled "Hunting or fishing on another's land."

To Committee on Fish and Game.

By Mr. Yancy:

H. B. 88. An act to amend Article 1, Chapter 97, Section 9 of Kentucky Statutes "An act concerning the election of a State Board of Penitentiary Commissioners."

To Committee on State Prisons and Houses of Reform.

By Mr. Bowling:

H. B. 89. An act relating to cities of the 5th class and repealing Section 3643, Chapter 89, Kentucky Statutes.

To Committee on Cities of the Fifth and Sixth Class.

By Mr. John W. Holland:

H. B. 90. An act to create and establish the Kentucky State Board of Examiners in Optometry, describing its duties and powers, defining and regulating the practice of optometry in this State, and prescribing penalties for a violation thereof.

To Committee on Kentucky Statutes.

By same:

H. B. 91. An act to provide for the sale and purchase of the assets of a corporation created under the laws of this Commonwealth whose charter will expire within two years from the date of such sale and purchase.

To Committee on Corporate Institutions.

By Mr. V. D. Hammond:

H. B. 92. An act for the benefit of the Department of Agriculture, Labor and Statistics appropriating money thereto and enlarging the powers thereof.

To Committee on Agriculture.

By Mr. Forgy:

H. B. 93. An act to repeal an act entitled "An act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Bureau of Vital Statistics, as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State, and providing certain penalties.

To Committee on Kentucky Statutes.

By same:

H. B. 94. An act giving to the laborer who furnishes material or labor to repair, alter or improve any personal property, or to shoe, feed, pasture, care for, treat or nurse any live stock, a lien upon said personal property to secure the

payment of the price for such material and labor so furnished or rendered.

To Committee on Kentucky Statutes.

By same:

H. B. 95. An act in relation to the Kentucky State Baord of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky.

To Committee on Judiciary.

By Mr. Drury:

H. B. 96. An act to repeal an Act entitled "An act to repeal Section 1136, Chapter 36, Kentucky Statutes, and to substitute therefor, and to re-enact Section 1136 of Kentucky Statutes.

To Committee on Criminal Law.

By Mr. Palmer:

H. B. 97. An act to amend Section 4313, Kentucky Statutes, Chapter 110, entitled "Roads and Passways."

To Committee on Public Roads and Highways.

By same:

H. B. 98. An act to amend Section 1846 Kentucky Statutes, Chapter 52, in reference to the publication of county expenditures.

To Committee on Public Roads and Highways.

By Mr. Cole:

H. B. 99. An act to amend An act amending Section 965 of the Kentucky Statutes relating to the times of holding Circuit Courts in the Eighth Judicial District.

To Committee on Circuit Courts.

By Mr. Polin:

H. B. 100. An act to provide systems for the control and arrangement of the construction and maintenance of the public roads and bridges in the various counties of this Commonwealth and to amend Article 1, Chapter 110, Kentucky Statutes, entitled "Public Roads," by repealing certain sections thereof which are in conflict with the provisions of this Act.

To Committee on Public Roads and Highways.

By Mr. Schoberth:

H. B. 101. An act to designate flower and a state tree.

To Committee on Forestry.

By Mr. Pogue:

H. B. 102. An act to empower the Board of Trustees of graded schools operating under special charters known as Special Act Schools to levy tax for maintenance.

To Committee on Education No. 1.

By same:

H. B. 103. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909, (page 133 Act of March 24, 1908) Districts, Trustees, Teachers, Taxation.

To Committee on Education No. 1.

By Mr. Mahin:

H. B. 104. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs, held in a County Seat in this State.

To Committee on Kentucky Statutes.

By Mr. Mahin:

H. B. 105. An act to provide for payment to all jurors summoned for service in the Circuit Courts of the Commonwealth of Kentucky.

To Committee on Kentucky Statutes.

By Mr. Akin:

H. B. 106. An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs."

To Committee on Agriculture.

By Mr. Yancy:

H. Res 6. Resolution (Joint) to reimburse the Governor for furniture, druggets and other adornments for the mansion.

To Committee on State Capitol.

A message was received from the Senate announcing that they had adopted a Joint Resolution as follows, viz.:

S. Res. 4. Resolution providing for two hundred printed copies of the State Inspector's report on the State University to be furnished the members of the General Assembly.

Whereas, the State Inspector by direction of his Excellency, Governor Willson visited the State University on two seperate occasions some weeks since in order to make inspection and report on the administration and conduct of the institutions, and

Whereas, neither of these reports of the Inspector, although his work was completed about the first of December, has yet been made public, and

Whereas, the public and the General Assembly are interested to know the contents of these reports in order that intelligent action may be had by the General Assembly upon affairs of the University,

Therefore, Be is resolved by the General Assembly that two hundred copies of both of these reports be printed and furnished to the members of the General Assembly for their information and use.

Ordered that said resolution lie over.

Mr. Asher presented the petition of sundry citizens of the town of Mt. Pleasant in Harlan County asking the enactment of a law changing the name of said town from "Mt. Pleasant" to "Harlan."

Mr. L. B. Owen presented the petition of Charles Wickliffe Camp No. 1080, U. C. V., of Fish Lake, Ballard County, asking the passage of a law allowing pensions to ex-confederate soldiers.

Mr. Wallace Brown presented the petition of sundry citizens of Bloomfield asking the passage of a law to compel all persons, owners thereof, to bury their dead animals and to keep their streams clear of bushes, drift and so forth.

Which were received, their reading dispensed with and ordered to be referred,

1st. To Committee on Classification of Cities and Towns.

2nd. To Committee on Confederate Home.

3rd. To Committee on Public Health.

The Chief Clerk of the House by and with the consent of the Speaker, under and by virtue of the Rules of the House, appointed Chas. J. Howes Stenographer to the Chief Clerk.

Mr. Schoberth of the Committee on Rules to which was referred a resolution entitled,

H. Res. 4. Resolution for the employment and appointment of certain persons and for the payment of certain contigent expenses of this General Assembly and providing the mode of payment therefor,

Reported the same together with the substitute heretofore offered by Mr. McClure with an amendment by way of substitute for the said resolution and pending substitute (for Res. and substitute see House Journal, January 8th).

The substitute as offered by the Committee is as follows:

Resolution for the employment and appointment of certain persons and for the payment of certain contingent expenses of this General Assembly and providing the mode of payment thereof.

Whereas, since the occupation of the new Capitol it has become necessary to employ more persons in order that the House of Representatives and the Senate may be conducted

in a proper manner and expeditiously, and whereas said business could not and cannot be efficiently conducted by and with the assistance alone of the number of officers and employees provided for in Section 249 of the Constitution and Section 1988 of the Kentucky Statutes:

Therefore be in resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Speaker of the House of Representatives be and he is hereby authorized and directed to employ four Guards to assist the Door Keeper at $4.00 per day each; One Stenographer to the Chief Clerk at $5.00 per day; two Stenographers of the House at $5.00 per day each; one Bill Clerk at $4.00 per day; two Mail Clerks at $4.00 per day each; five Messengers to the House at $2.50 per day each; one Porter at $2.50 per day; one Copyist at $4.00 per day; two Messengers to wait upon Committees at $2.50 per day each; one Messenger for the Speaker at $2.50 per day; two Assistants to the Bill Clerk at $4.00 per day each; one Assistant to the Enrolling Clerk at $5.00 per day.

All of said help to be under the control and direction of the Speaker unless otherwise ordered by the House.

The employments above referred to shall take effect and be in force, except the Stenographer to the Chief Clerk, upon and after the passage of this resolution, the employment of the Stenographer to the Chief Clerk to take effect from and after the 2nd day of January, 1912.

And the President of the Senate is hereby authorized, directed and empowered to employ three Guards to assist the Door Keeper in guarding the doors of the Senate Chamber, and they shall receive $5.00 per day each, for their services, two Stenographers, who shall be required to do the Stenographic work of the members of the Senate, and one

Copyist to assist the Enrolling Clerk, each of whom shall receive $5.00 per day for his or her services; one Bill Clerk, who shall be required to do such work in connection with the keeping and distributing the printed bills as may be required by the Chief Clerk, or by the Senate, and who shall receive for his services $5.00 per day; one Assistant Keeper of the Cloak Room, who shall do such work in connection with the Cloak Room as may be required by the Cloak Room Keeper, or by the Senate, who shall receive $3.00 per day for his services; one Mail Clerk whose duty it shall be to receive and distribute all the mail of the members of the Senate, and all mail coming to the hands of such Clerk shall be immediately distributed to the addressees, and which Clerk shall receive for his services the sum of $5.00 per day; one Reading Clerk, whose duty it shall be to assist the Clerk of the Senate and to do such other work as may be assigned him by the Chief Clerk or by the Senate, and who shall receive for his services the sum of $5.00 per day; two Messengers, who shall perform such services as may be required of them by the Lieutenant Governor, or by the Senate, and who shall receive for their services the sum of $2.50 per day each; one Clerk to the Rules Committee, who shall receive $5.00 per day, and who shall perform such services as may be required by the Lieutenant Governor, of by said Committee.

The employment above referred to shall take effect and be in force from and after the Second day of January, 1912.

The Speaker of the House and President of the Senate shall furnish to the Chief Clerks of their respective Houses a list of all of said employees, showing their respective appointments, and said Speaker of the House and President of the Senate shall, every five days, furnish to the Clerk of their respective Houses the number of days worked by each and the amount due each of said employees, and upon this

certification the Clerk of each of said Houses shall draw a voucher for each of said employees upon the Auditor of Public Accounts for the amount due each of said employees and for which the Auditor shall draw his warrant upon the Treasurer, payable to said employees respectively, and to be paid out of any money in the Treasury payable to the General Expenditure Fund not otherwise appropriated.

It appearing that the employees referred to herein are very necessary to carry on and conduct the business of the House and Senate, an emergency is hereby declared to exist and this resolution shall take effect upon its adoption.

Said substitute as offered by said Committee on Rules was agreed to.

Said original resolution as amended by last named substitute was then adopted.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Ben F. Egleston	Earl C. Huntsman
Robert H. Akin	J. H. Elder	W. J. Jackson
P. L. Atherton	John M. Farra	Green R. Keller
J. M. Bean	S. Walton Forgy	John G. Kelley
Eli Berry	John F. Fryer	W. E. King
A. V. Bertram	D. Clarence Gray	Charles H. Knight
H. C. Blades	T. J. Gregory	William J. Kuh
Wallace Brown	Joe Hall	James A. Leach
C. W. Burton	Elwood Hamilton	F. A. Lochry
G. E. Carroll	V. D. Hammond	Hugh Mahin
George P. Chinn	A. B. Hatton	B. J. Matthews
W. Frank Cole	L. B. Herrington	Emanuel Meyer
Elkanah Dickey	A. B. Holland	S. F. Middleton
Francis B. Douglas	John W. Holland	R. C. McClure
G. L. Drury	James R. Howell	Charles D. McCrea

C. B. Nichols	John A. Polin	John G. Stoll
Ben E. Niles	Stanley F. Reed	C. B. Thompson
L. B. Owen	S. L. Robertson	D. B. Thurman
Luther C. Owings	H. A. Schoberth	Louis B. Tieman
J. R. Paxton	Robt. H. Scott	B. S. Wilson
William A. Perry	Adam Spahn	Edward L. Young
Marion F. Pogue	A. H. Stamper	—65

Those who voted in the negative were—

Eugene G. Asher	R. Dillard Hunter	Walter S. Sinclair
George Baker	J. Albert Leach	W. Scott Smith
Thos. M. Bertram	W. N. McCubbin	Henry Thomas
E. Bishop	A. W. Palmer	Yeaman Watkins
John F. Brewer	W. F. Parker	E. B. Wiley
Wm. L. Bowling	W. V. Perry	David W. Wiley
Henry Chunn	W. A. Price	J. H. Williams
Eli Farmer	S. H. Rogers	Charles Yancy
Allie T. Gaines	W. A. Shawler	—26

Mr. Schoberth moved to reconsider the vote by which said resolution was adopted and to lay said motion on the table.

Said last named motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 12, 1912.

The House was opened with prayer by Bishop, C. C. Penick of the Protestant Episcopal Church of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Holland moved that when this House adjourn today it be to meet on Mondaw, the 15th instant, at 12 o'clock, meridian.

Leave of absence was granted for an indefinite period to Mr. Thomas.

Mr. Lochry called up from the Clerk's desk for consideration a resolution entitled,

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished to members of the General Assembly.

Mr. Forgy moved that said resolution be referred to the Committee on Kentucky Statutes.

Said motion was agreed to.

Mr. Schoberth suggested that since the adjournment of the General Assembly of 1910, that three members of the House at that Session, viz: John M. Letterle of the City of Louisville, George W. Reid, of the County of Carlisle and George H. Plitt, of the County of Hancock, have departed this life.

Thereupon Mr. Hamilton moved that out of respect to the memory of said deceased ex-members of this House the House do now adjourn until Monday, January 15th, at 12 o'clock m.

Said motion was unanimously agreed to.

MONDAY, JANUARY 15, 1912.

The House was opened with prayer by Bishop C. C. Penick of the Protestant Episcopal Church.

The reading of the Journal of the proceedings of Friday, last, was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Huntsman:

H. B. 107. An act to amend and re-enact Section 4226 of the Kentucky Statutes, entitled, "Foreign Life and Industrial Companies."

To Committee on Insurance—Life and Accident.

By same:

H. B. 108. An act to amend subsection 4 of Article 12 of An act of the General Assembly of March 15, 1906, providing for revenue and taxation, by providing for a license tax upon foreign manufacturers or dealers in manufactured tobacco or cigarettes doing business in this State.

To Committee on Revenue and Taxation.

By same:

H. B. 109. An act to amend Section 3915 of the Kentucky Statutes by inserting in line 10 thereof, after the word "kind" the words "or insurance rates."

To Committee on Insurance—Fire and Marine.

By Mr. Dickey:

H. B. 110. An act to regulate shows under canvass, circuses, train shows, dog and pony shows, etc., and providing that such shows shall not show in any city, town or county upon any date upon which agricultural, mechanical, stock and county fairs are held.

To Committee on Agriculture.

By Mr. Asher:

H. B. 111. An act to amend and re-enact Sections 15, 20 and 30 of the Acts of 1910, Chapter 13 relating to uniform series of school text books, county and city Text Book Commissions, regulation and penalties.

To Committee on Education No. 2.

By same:

H. B. 112. An act to regulate the marriage of divorced persons for adultery and penalty.

To Committee on Judiciary.

By same:

H. B. 113. An act to amend and re-enact Kentucky Statutes Sec. 1309 (Russ. Statutes, Sec. 2291) Chapter 36 enti-

tled, Carrying concealed deadly weapons—Selling to a minor, became a law April, 1893.

To Committee on Criminal Law.

By same:

H. B. 114. An act to amend and re-enact Section 1 Chapter 4, Acts 1910, relating to indeterminate sentence and substitute therefor.

To Committee on State Prisons and Houses of Reform.

By Mr. Akin:

H. B. 115. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants, barber shops and Pullman cars.

To Committee on Kentucky Statutes.

By same:

H. B. 116. An act concerning railroads, regulating the operation of trains, providing for the number of employees on the same and providing penalties for a violation of same.

To Committee on Railroads.

By Mr. Hunter:

H. B. 117. An act relating to the sale of lard, or any oil, or grease, used as a substitute therefor, and to any article intended for food for human beings, and requiring the can, bucket, barrel, keg, box, bottle or other receptacle, containing such article to be so stamped, or labeled, as to indi-

cate the date on which such article is manufactured, rendered, refined, boxed, canned, packed or wrapped.

To Committee on Judiciary.

By Mr. Brewer:

H. B. 118. An act intended to prevent the spread of tuberculosis and other infectious diseases in the public schools of Kentucky and providing penalties for the violation thereof.

To Committee on Tuberculosis.

By Mr. A. V. Bertram:

H. B. 119. An act providing for the supplying of the records of County Surveyors' Offices where same have been destroyed.

To Committee on County and City Courts.

By same:

H. B. 120. An act authorizing the granting of a certificate by the State Board of Dental Examiners to persons to practice dentistry in this State.

To Committee on Public Health.

By same:

H. B. 121. An act to create the thirty-fifth Judicial District of Kentucky and to change the eighth, twenty-eighth and twenty-ninth Circuit Court Judicial Districts and to provide for the holding of Courts in the eighth, twenty-eighth and twenty-ninth and thirty-fifth Judicial

Districts and to provide Judges and Commonwealth's Attorneys.

To Committee on Redistricting—Judicial.

By Mr. Pogue:

H. B. 122. An act to repeal the Charter of the town of Grand Rivers in Livingston County.

To Committee on Cities of the Fifth and Sixth Class.

By Mr. Rider:

H. B. 123. An act concerning liens and providing for release thereof.

To Committee on Judiciary.

By Mr. Hamilton:

H. B. 124. An act to amend Section 513 of Kentucky Statutes relating to indexing.

To Committee on County and City Courts.

By Mr. Williams:

H. B. 125. An act to amend An act entitled "County may vote road tax, amount and disposition of road hands," being Section 4307a of Carroll edition, Kentucky Statutes of 1909, and creating new Subsection 4307b.

To Committee on Public Roads and Highways.

By Mr. Kelley:

H. B. 126. An act to repeal Chapter 37, Acts 1910, establishing a bureau of Vital Statistics and to re-enact Chapter 83, Kentucky Statutes (Carroll's edition, 1909), relating to marriages, registrations, etc.

To Committee on Public Health.

By same:

H. B. 127. An act to regulate charges of common carriers of passengers for hire.

To Committee on Railroads.

By same:

H. B. 128. An act to amend Section 68a (Carroll's edition, 1909) relating to taxation of dogs.

To Committee on Agriculture.

By Mr. Leach of Harrison County:

H. B. 129. An act to improve the Public Highways of this Commonwealth.

To Committee on Public Roads and Highways.

By same:

H. B. 130. An act to better protect the health of the citizens of the municipalities of this Commonwealth.

To Committee on Muncipalities.

By Mr. L. C. Owings:

H. B. 131. An act to define the duties of the County Surveyors in counties containing more than 200,000 population and to provide compensation for them.

To Committee on Public Roads and Highways.

By Mr. Spahn:

H. B. 132. An act to amend and re-enact and supplement Section 495 of the Kentucky Statutes, being Section 1 of an Act entitled "An act to amend and re-enact Section 6 of an Act concerning conveyances, approved April 22, 1893, and being Section 495 of the Kentucky Statutes," approved March 21, 1904.

To Committee on Kentucky Statutes.

By Mr. Kuh:

H. B. 133. An act to amend Section 4127, Article 6, relating to revenue and taxation, changing the compensation of Supervisors.

To Committee on Revenue and Taxation.

By Mr. Emanuel Meyer:

H. B. 134. An act maning it a felony for any person to admit to their house, or to take or direct to any house for the purpose of prostitution or lewdness, any female under the age of sixteen (16) years and fixing the penalty therefor.

To Committee on Criminal Law.

By Mr. Charlton B. Thompson:

H. B. 135. An act to amend an act providing for Fiscal Courts in the Commonwealth of Kentucky, which was approved October 17, 1892, and as same has since been amended, all of which and amendments now appear in Article 1, Chapter 52, of John D. Carroll's edition of the Kentucky Statutes for the year 1909.

To the Committee on Judiciary.

By Mr. Price:

H. B. 136. An act to amend Section 11 of Article 4 of an act entitled 'An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being Section 3068, Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. E. B. Thompson:

H. B. 137. An act creating official interpreter for Circuit Court Districts and fixing the salary thereof.

To Committee on Circuit Courts.

By Mr. W. V. Perry:

H. B. 138. An act to further amend an act entitled "An act for the benefit of the Kentucky Children's Home Society."

To Committee on Juvenile Courts and Children's Home.

By Mr. Harry J. Meyers:

H. B. 139. An act to amend Sections 1702, 1703 and 1705, of the Kentucky Statutes those sections being portions of subdivision 2 of Article 15 of Chapter 46 of the Kentucky Statutes, entitled "Homestead."

To Committee on Judiciary.

By Mr. Bean:

H. B. 140. An act to appropriate money for the Eddyville Branch Prison.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 141. An act to appropriate money to compensate G. W. Setberry for services rendered the Commonwealth of Kentucky as Night Guard at the Branch Penitentiary at Eddyville.

To Committee on Claims.

By Mr. Rogers:

H. B. 142. An act to remove the management of the charitable and penal institutions from the influence of politicians and to protect the inmates of these institutions by the appointment of a Visiting Committee.

To Committee on State Prisons and Houses of Reform.

By Mr. Scott:

H. B. 143. An act to provide for the use of District school houses out of school hours.

To Committee on Education No. 1.

By Same:

H. B. 144. An act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for violation thereof.

To Committee on Suffrage and Elections.

By Mr. Gray:

H. B. 145. An act to amend Chapter 56, Section 2, Acts 1908, entitled "An act for the government and regulation of the Common schools of the State," approved March 24, 1908.

To Committee on Education No. 1.

By same:

H. B. 146. An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs."

To Committee on Agriculture.

By Mr. Baker:

H. B. 147. An act to revise the laws in relation to coal mines and subjects relating thereto and providing for the health and safety of persons employed therein.

To Committee on Mines and Mining.

By Mr. Brown:

H. B. 148. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," approved

March 5, 1898, and to further regulate the management of the penal institutions of this State.

To Committee on State Prisons and Houses of Reform.

By Mr. Yancy:

H. B. 149. An act granting pensions to disabled indigent Confederate soldiers and their widows.

To Committee on Confederate Home.

By Mr. Drury:

H. B. 150. An act to amend Section 1, Article 14, of an act relating to revenue and taxation, which was approved March 15, 1896.

To Committee on Revenue and Taxation.

By Mr. D. W. Wiley:

H. B. 151. An act recognizing and for the benefit of all Kentcky ex-Confederate soldiers and their widows residing in Kentucky prior to the first day of November, 1911.

To Committee on Confederate Home.

By Mr. W. V. Perry:

H. B. 152. An act to amend Section 3837 of Carroll's 1909 edition of the Kentucky Statutes.

To Committe on Judiciary.

By Mr. Egleston:

H. B. 153. An act to amend Section 2162, Article 2, of the Kentucky Statutes, relating to Inquests.

To Committee on County and City Courts.

By Mr. D. W. Wiley:

H. B. 154. An act for the protection of fish and game.

To Committee on Fish and Game.

By Mr. Clay:

H. B. 155. An act entitled "An act to make camping upon a public highway a nuisance and punishable as a misdemeanor.

To Committee on Public Roads and Highways.

By Mr. Clay:

H. B. 156. An act entitled "An act, to provide for adequate penalty for the offense of stealing and taking away crops and making same a felony.

To Committee on Judiciary.

By Mr. Forgy:

H. B. 157. An act relating to the sale and distribution of the proceeds of land escheated to the Commonwealth.

To Committee on Judiciary.

A message was received from the Governor in writing as follows, viz.:

STATE OF KENTUCKY,

James B. McCreary,
Governor.

January 15, 1912.

To the House of Representatives of Kentucky:

I transmit for the information of the House the report on the progress of the Kentucky Geological Survey for the years 1910-1911, by Charles J. Norwood.

JAMES B. MCCREARY, Governor.

Said report is as follows, viz.:

KENTUCKY GEOLOGICAL SURVEY.

Charles J. Norwood, Director.

Report on the progress of the survey for the years 1910 and 1911, by Charles J. Norwood, Lexington, Kentucky:

LETTER OF TRANSMITTAL.

To His Excellency, James B. McCreary,
Governor of Kentucky.

Sir: I have the honor to submit the following report on the operations of the State Geological Survey for the calendar years 1910, 1911, for your consideration and transmittal to the General Assembly.

Very respectfully,
CHARLES J. NORWOOD,
Director.

January 9, 1912.

PERSONNEL OF THE SURVEY.

The following persons now hold or have held positions on the Survey during the period covered by this report. They are named in the order of their appointment under each class.

Director.—Charles J. Norwood.

Assistant in Geology.—August F. Foerste, Julius F. Fohs, Leonidas C. Glenn, James H. Gardner. James M. Hodge, was employed in writing his report for a time in 1910. Albert R. Crandall was employed in reproducing a report that had been lost for a few months in 1910. F. M. Hutchinson was employed in the field for a short time in 1910 and in writing his report (to which he did not give his time continuously) in 1910 and 1911.

Chemistry, Technology, and Soils.—Alfred M. Peter, supervising chemist and in charge of soil testing; Harry D. Easton, assistant in clay testing; James M. H. McHargue, chemist; Ralph D. Quickel (resigned February 1, 1911), aid in fuel testing.

Office.—F. Grider McKay, clerk; Nancy D. Bentley stenographer.

Drafting.—Joseph W. Norwood.

Temporary Aids.—The following were employed for various periods as temporary aid in 1910; Lucian Walker, C. K. Bain, Phil Holloway, D. W. Smith, and W. B. Paynter, as field aids. R. G. Stevens in the museum. The following were employed in 1911 for various periods: G. E. Straub, Lucian Walker, R. M. Woodson, W. B. Paynter, as field aids. In collecting mineral sta-

tistics in co-operation with the U. S. Geological Survey the following were employed at different times (only one being employed at a time), R. G. Stevens, C. K. Bain, H. A. Kohnhorst, W. B. Hager. Mr. C. P. Kennedy is employed in keeping gage records of the Dix river.

Oil and Gas.—Kessack D. White.

In the co-operative topographic mapping large field parties were employed, under the direction of topographers of the U. S. Geological Survey. It is not deemed necessary to give long list of names here.

REPORT OF PROGRESS.

Since its resumption the work of the Survey has been vigorously prosecuted along the lines laid out in the law, and many reports and maps dealing with the economic resources of the State have been completed. Reports for twenty-eight volumes known as Bulletins (some of the latter containing several reports) together with six County Reports, each forming a volume, have been prepared. Unfortunately, however, the printing has by no means kept pace with the preparation of the reports and maps—a circumstance for which, of course, the Director is in no wise responsible. This matter is discussed on another page.

Manifestly, with limitations in the matter of funds available for each year, it has been impossible to at once take up all the subjects named in the law; nor has it been possible to place work each season in all the reigons needing it, nor to at once comply with all requests for the examination of particular localities. The character of work that has been carried on so far has been determined not alone by personal knowledge on the part of the Director of the needs of the State, but also from the tenor of inquiries of correspondents

seeking information concerning the resources of the State, by conferences with men interested in the development of the State, and by some suggestions received from the late Nathaniel S. Shaler, based on his experience as Director of the Survey from August, 1878, to April, 1880, under whom the present Director served as an assistant geologist for six years.

If the older method of issuing volumes made up of miscellaneous reports were followed, the published Bulletins (as the volumes dealing with single subjects or regions are now called) on geological resources, together with the biennial reports (which contain matter relating to economic resources in addition to that relating to administration), would make five volumes of convenient size (equal to an average of 425 pages each); and the material in the hands of printers would make about as many more.

The published Bulletins, with maps, include reports on the coals of the Big Sandy Valley, on those of the region drained by the Three Forks of the Kentucky river, on those of the Licking Valley and some of the contiguous regions (including Elliott and Menifee counties), and on those along the western margin of the Eastern Coalfield. Also reports on our oil and gas horizons, on some of our clay areas, on the lead and zinc rocks of central Kentucky, on our flourspar deposits, and on the character and economic values of some of the lower formations of the State. Reports on the coals of the Poor and Clover Forks of the upper Cumberland river (in Harlan and Letcher counties), and on those of the Pineville Gap and Log Mountain region (in Bell and Knox counties) have long been ready for publication, and have been in the printer's hands since about July 31, last. Similar reports have been prepared on a large part of the Western Coalfield; their publication has been ordered and it is understood that arrangements have been perfected for printing them. They

include reports on the coals of the region drained by the Tradewater river (about 800 square miles,) on those in the region covered by the Central City, Madisonville, Calhoun, and Newberg quadrangles, and (a brief account) on those within the Hartford quandrangle. Other reports that have been prepared and are now in the hands of printers are named on another page. An elaborate report on the Cincinnatian formation, which covers so large a portion of the State, and its economic values, was prepared but (with three others) it was lost while in the hands of a former contractor for the public printing.

Most of the reports named, while comprehensive and in considerable detail, are necessary largely preminary in character; they were issued to meet immediate necessities and must be followed by others giving greater detail, which, however, can be worked out only as we get accurate maps, of the sort now being made by the State and Federal Surveys in cooperation.

A new gelogical map of the State has been issued, also. The base for the map was complied and drawn by Mr. J. B. Hoeing; delineation of the geological formations is in accordance with data furnished by the various geologists (including Mr. Hoeing) that have served on the Survey under past and present administrations. Sufficient data have been gathered since publication of the map of 1907 to warrant preparation of a revised edition; indeed, it is very desirable that such an edition be issued.

The following is an account of the operations of the Survey during the two calendar years 1910 and 1911.

GEOLOGICAL AND TECHNOLOGICAL WORK.

1. CENTRAL CITY, MADISONVILLE, CALHOUN AND NEWBERG QUADRANGLES.—Field work for reports on these quad-

rangles, embracing an era of about 800 square miles in the heart of the Western Coalfield, was completed by Mr. Hutchinson in the spring of 1910. This work has revealed a large number of workable coals in the upper series of beds and larger fields of thick coals than had been known to exist. The reports, forming one large Bulletin, are accompanied by maps showing the areas of the more important coal beds from "No. 9" up to "No. 15," inclusive; outcrop lines are delineated, and general ground structure, including some lines of faulting, is indicated. The Bulletin was completed in 1911 and is in the printer's hands, with an understanding that it is to come from the press in four months.

2. Rockcastle County.—The field work for a report on the economic resources and soils of Rockcastle county was completed in 1910, the geology by Mr. Fohs and the soil investigations by Mr. Jones, with Mr. Lucian Walker serving as field aid. The work in Rockcastle county has not proven the richness of that county in thick and extensive beds of very high-grade oolitic and blue limestones and of "freestone," valuable deposits of clay, and great beds of sandstone that yield excellent sands for various purposes (including bottle glass), but it revealed the fact that the coal area of the southern and eastern portions of the county instead of being practically exhausted, as has been reported hitherto, still contains a large amount of good coal. It was found that the conglomerate sandstone measures, which carry two and sometimes three good coals cover 53,700 acres. The average intervals between the coals, as determined by Mr. Fohs, are as follows:

The Corbin Conglomerate (72 ft.)

Interval, 91 ft.

Corley Hollow Coal, ...36 in.

Interval, 144 ft.

New Livingston Coal, ...8 to 32 in.

Interval, 77 ft.

Livingston Coal, ...36 in.

Interval, 64 ft.

Mississippian Limestone and Shales—Base.

The acreage estimated for the respective seams is 40,000 for the Livingstone; 22,000 for the New Livingstone, and 5,000 for the Corley-Hollow, of which not over 1,000 acres having been exhausted, leaving approximately 176,000,000 tons of coal yet to be recovered. Though the seams are, as a rule thin it is to be borne in mind that even now coals having no greater thickness are being worked in many regions that all beds of coal are growing in value, and that these Rockcastle beds have an especial importance in connection with possibilities for the establishment of clay, cement, lime, and other industries that the resources of the county so well justify. The report has been ready since the fall of 1910, but publication delayed by circumstances that the director of the Survey could not control (see statement about publications on another page); it is now in the printer's hands, with the promise that it will be sent through the press within four months.

3. Lewis and Rowan Counties.—A geological survey of Lewis and Rowan counties was completed in 1910, by Mr. Fohs. An excellent showing is made by these counties in the way of high-grade structural stone (freestone), useful shales and clays, and road material. Favorable structure for oil and

gas was also noted. More particular reference is made to the occurrences of freestone and oil and gas possibilities under appropriate heads elsewhere in this report. Much interest has been manifested in the occurrence of zinc ore in Lewis. The ore (zinc blende, sometimes partly altered to zinc carbonate) occurs in what it is known as the West Union limestone of the Niagarian series, either in the form of nodules or as a cementing material in thin seams in the brecciated beds. A special article on these zinc occurrences has been prepared by Mr. Fohs for the Miscellaneous Bulletin for which material is in hand. The conclusion reached is that, while the ore is of good quality, it is not likely to be found in profitable quantity except locally. That any bed to be workable must be not less than three or four feet thick and carry at least 10 per cent of ore. The region south of Concord is not deemed worthy of further prospecting but "at Martin and in the Salt Lick valley region (four miles south of Vanceburg), further prospecting will be necessary to prove whether or not the deposits are of value, and this prospecting must be done in the more promising unweathered beds." The report on Lewis and Rowan is in the printer's hands.

4. Pineville Gap Region.—A report which had been prepared by A. R. Crandall and G. M. Sullivan on the Pineville Gap region in Bell and Knox counties, including the Log Mountains, Straight creek and its branches, Stewarts Branch, and Fourmille creek in Bell county; and Greasy, Bush, and Stinking creek in Knox county, was lost by a former contractor for the public printing. It was reproduced by Mr. Crandall (requiring some field work in 1910), and has been in the hands since about July 31, 1911.

5. Hartford Quadrangle.—Geological field work in the Hartford quadrangle (about 238 square miles) was complet-

ed in 1910-11, by Mr. Gardner. It is advisable that the report on this quadrangle shall form part of a Bulletin embracing at least one other quadrangle. A preliminary report with special reference to coals, oil, and gas, to serve until the detailed report for the Bulletin shall have been completed, has been turned over for publication and there is promise of its appearance by next May. While the report is condensed, it has several page maps showing areas of various coals and it will prove useful to prospectors. The work in this quadrangle has shown a larger area of workable coal in the western portion of the quadrangle than has hereto been definitely known.

6. WEBSTER COUNTY.—Geological field work in the Webster county area—an area typical of disturbed regions within the Western Coal field—was completed by Mr. Glenn in 1910-11. The report is not quite ready for publication. Because of the increasing interest in this important region concerning which there is little accurate information available in printed form, a brief abstract from those portions of the report dealing with stratigraphy structure and economic resources is given in this report.

7. REGION OF THE QUICKSAND CREEKS.—Field work for a report on the coals of the region drained by the Quicksand creeks, lying in Breathitt and parts of Knott and Floyd counties, was completed by Mr. Fohs in 1911; the report is in the hands of the printer and is expected from the press within about four months. The region covers an erea of approximately 130,000 acres (about 203 square miles) in which occur eleven beds of coal, including cannels. Mr. Fohs reports the net thicknesses of the coals, with the average intervals between beds, as follows:

Hindman Coal (uppermost bed) .....72 inches.

Interval, 60 ft.

Flag Coal, ...36 inches.

Interval, 60 ft.

Hazard Coal, ...72 inches.

Interval, 145 ft.

Leatherwood Coal. Thin.

Interval, 47 ft.

Haddix Coal, ...36 inches.

Interval, 68 ft.

Dean (or fireclay) Coal, ...36 inches.

Interval, 45 ft.

Wilson Fork Coal, ...36 inches.

Interval, 12 ft.

Whitesburg Coal, ...30 inches.

Interval, 70 ft.

Big Branch Coal, ...24 inches.

Interval, 58 ft.

Roundbottom Coal, ...24 inches.

Interval, 30 ft.

Elkhorn Coal, ...24 inches.

Except on the head of Quicksand creek, on Middle and Laurel forks, where the strata dips southeast at the rate of about 16 feet per thousand feet, the beds are practically horizontal. The quantity of recoverable coal in the region is estimated as 956,000,000 tons.

8. Beattyville Coal Area.—A partial examination of the Beattyville coal ore was also made by Mr. Fohs. This coal (ranging from 10 to 50 inches in thickness, with an average of 36 inches) underlies more than half of Lee county. The following interesting statement has been presented by Mr. Fohs: "Bells account for the local thinning of the coal, and are of two types: (3) gondola-shaped, 6 to 15 feet wide and 20 feet long, and (b) large, flatboat-shaped up to 100 feet wide and 1,000 feet long. Both types have nearly an east-west strike, so that a north-south cross-cut would usually pass through the thin coal with the least expense. The bed is also subject to rise and fall due to folding of the strata, but this is independant of the thinning of the coal; the small folds appear every 400 to 800 feet and have a general north-northwest trend."

9. Oils and Gas.—Considerable work was done in the study of oil and gas possibilities in several parts of the State. In the progress of the work in the area drained by the Quicksand creeks, favorable structure was found in Yellow mountain, at the head of the Laurel fork of Quicksand, in Floyd and Knott counties. The mountain represents an antialinal fold striking north-northeast, the west limb of which, according to Mr. Fohs, has a dip of 16 feet per 1,000 feet, while the dip of the east limb is still greater. The elevation of the Elkhorn coal at the head of Laurel is about 1,097 feet, while, according to Mr. Crandall, in the valley to the east,

at Jones fork of Right Beaver, it has dropped to 700 feet. In Lewis and Rowan counties two monoclinal folds occur. The following note on the folds has been presented by Mr. Fohs, in whose hands the study of the geology of the counties was placed: "One of the folds passes southward from just west of Carrs, east of Ribolt, Tolesboro, and Burtonville, and strikes N. 37° E.; the first likely oil or gas horizon here would be the Lexington limestone. Further east is the northward extention of the Ragland monocline, which passes between Farmers and Freestone, near Munson, between Stricklett and Awe, just east of Randville, and one mile east of Vanceburg. This mocoline strikes N. 24° E. and with the surface rock Waverly, offers a number of good horizons at which oil or gas may have accumulated, notably the Corniferous, Clinton, and Lexington formations. Investigations were made along the Rough Creek anticline and in the Diamond Springs belt, in Western Kentucky, by Mr. Gardner and Mr. White, assisted by Mr. Walker. The Rough Creek anticline is a disturbance that stretches quite across the Western Coalfield and probably forms part of a line of disturbance that extends in a varaible approximately east-west course across the State. It is believed that the work of the Survey will render it possible to avoid errors that have hitherto been made in locating points for drilling along the anticline. As a result of his studies of the region crossed by the uplift in Ohio county, Mr. Gardner advised drilling a deep well where favorable structures was noted by him, and such a well has been going down. In the course of his work in Webster county, very favorable structure, in the form of an elongated dome just south of Sebree, was discovered by Mr. Glenn. Dr. Glenn's description of the dome is given in the abstract from his report included in this report. To Mr. White was assigned the task of carefully working out the details of the dome, by means of an instrumental survey and the preparations of a contour map

of the structure, and this he has performed in an excellent way. His report (Oil and Gas prospects of the Rough Creek Anticline at Sebree) is ready for publication. A contour map of the structure of the Diamond Springs district, in Logan county, has also been made by Mr. White, the stratigraphy being worked out largely by Mr. Gardner. The work there has shown that the failure of some of the wells that had been drilled may be accounted for, if in no other way, by the fact that they were not properly located with reference to the structure as determined by the Survey. The report on the Diamond Springs belt with accompanying structure map, is nearing completion. In co-operation with the U. S. Geological Survey, investigations were also made in Wayne, Powell, Wolfe, and Menifee counties. A report on the Wayne county field, by Mr. M. J. Munn of the Federal Survey, who had charge of the work, is expected to be ready for publication by about the middle of February.

10. Mapping the Elm Lick Coal.—One of the most important pieces of work undertaken in 1911 was the tracing and mapping of the outcrop line of the Elm Lick coal in Ohio and Butler counties, with connections in Daviess. This work owes its importance chiefly to the fact that a key has thus been obtained for the solution of some difficult problems in connection with occurrences of coal in the eastern part and along the western margin of the Western Coalfield that for years have given trouble to persons interested in the mining industry. The work was placed in the hands of Dr. Gardner and Mr. White, who were assisted by Mr. Walker. The mapping began at Horton (formerly Elm Lick), in Ohio county. In a brief memorandum concerning the work, Dr. Gardner states: "Our first problem was to trace this coal bed, which had been noted and named by you in an early report, from Horton southeastward toward Butler county. We were able to follow the continuous outcrop

of this bed to Morgantown, in Butler county, and to positively connect it with the coal bed which is being mined at Aberdeen. This was a contribution to knowledge and rather surprising in correlation. It affords a key to map the geology of Butler county and adjacent regions on the new topographic sheets which are being prepared in that section of the State. While at Morgantown, we visited the Mud River mine in Muhlenburg county, and were of the opinion that the coal mined there is the same as the Elm Lick, in position." Returning to Horton the party traced and mapped the coal northward until it thinned out north of the Rough Creek uplift. It has been supposed that the Elm Lick would correlate with the Deanefield coal, but Dr. Gardner reports: "We proved that it it not the same as the Deanefield coal, which extends into Daviess county, but that the latter is the next lower bed named the Hamlin coal in my section of Ohio county. The Elm Lick coal as traced over the territory oulined is very irregular in character, and will average less than 3 feet in thickness, very rarely approaching 4 feet. It is, however, an important reserve supply in the coal resources of West Kentucky." The mapping was done by Mr. White; the stratigraphy by Dr. Gardner. As the coal was traced southward marked evidence of erosion and unconformity were noted at the horizon of the bed, as had long been known to occur at the horizon of the Aberdeen coal. Mr. White has correlated the Elm Lick with the "No. 5" coal as identified south of Sebree, in Webster county, by Dr. Glenn. If this be correct, it places the Elm Lick coal near the top of the Tradewater formation (a formation unit proposed by Dr. Glenn), where there is also a marked unconformity. The writer understands that from fossil evidence submitted to him, Mr. David White, of the Geological Survey, assigns the "No. 5" coal and the Elm Lick coal to Pottsville age.

11. FIELD WORK OF THE HENDERSON QUADRANGLE was begun in 1911. The area has not been completely mapped and the geological work is difficult because of lack of outcrops.

12. ALONG TRANSPORTATION LINES.—Field work for a series of short reports on the economic resources adjacent to the railroad lines of the State was entered upon in 1911. The work was completed along the lines in the Jackson's purchase region, to which Dr. Gardner was assigned; along the Louisville & Nashville railroad, from Louisville southward to the Tennessee boundary, to which Mr. Fohs was assigned; and along part of the Chesapeake & Ohio railroad. The report on the line of the Louisville & Nashville railroad has been prepared. This work has revealed the presence of greater values in economic resources along that line than had been known. Three short abstracts from the report of Mr. Fohs —on the Bowling Green stone industry, on honestone for marble in Hardin county, and on onyx-marbles—are given in this report. The report on the lines in the Purchase region is yet to be completed. Continuation of this work until all the railroad lines of the State have been traversed is one of the plans of the Survey.

13. THE DIX RIVER DRAINAGE AND WATER POWER.—The value of the Dix river as a source of water power was investigated in 1910-11. The drainage basin embraces an area of over 417 square miles, in Boyle, Garrard, Mercer, Lincoln, and Rockcastle counties. The economic resources of the region were also noted. The work was placed in the hands of Dr. August F. Foerste. The report has been turned over to the printer and is expected to come from the press within about four months.

14. THE PHOSPHATE ROCK.—The rock phosphate deposits of central Kentucky were investigated by Dr. Foerste in 1911. A surprisingly large area of available commercial prosphate was determined. The report is in the hands of the printer.

15. CLAY DEPOSITS.—Investigations of the clay deposits have been continued, and much matter for an additional bulletin on clays has been gathered. The excellent plastic fireclay of Rockcastle county occurs at the horizon of the New Livingstone coal, in beds each 4 feet to 6 feet in thickness above and below the coal where the latter is thin. The notable occurrences in the region between Mt. Vernon and Pine Hill, and southeast of the latter place. In his report on the county Mr. Fohs estimates that in the region indicated there are about 3,800 acres of the clay and if the average thickness exclusive of the 8 to 10 inch coal, be taken as 6 feet, there are over 11,000,000 tons of the clay. Technologic tests of very many carefully collected samples of clay, from various parts of the State, have been made by Prof H. D. Easton, and a report of the work that has been done is nearing completion.

16. STONES FOR STRUCTURAL AND OTHER PURPOSES.—Reference has been made to the occurrences of valuable deposits of stone for various purposes in Rowan, Lewis, and Rockcastle counties, and in the region adjacent to the line of the Louisville & Nashville railroad, as noted in the reports of Mr. Fohs that have been prepared within the period covered by this report. It is believed that brief notes concerning them, given here, will prove useful:

Kentucky freestone or "bluestone," a high class building stone, occurs at two horizons in the Waverly group—one in the Buena Vista beds at the base of the Cuyahoga forma-

tion, and the other (the Hummel bed of Rockcastle county) just above the Cuyahoga, in the upper Waverly. The first offers excellent quarry locations in Lewis and Rowan counties, and the stone is being quarried between Morehead and Farmers, adjacent to the Chesapeake & Ohio railroad. The stone occurs in beds 16 to 30 inches in thickness, three or four of which grade as of first quality and a number as of second quality. The Hummel bed has an average net thickness of 6 feet, and presents an accessible outcrop line of about five miles between Langford and Wilde in Rockcastle county—offering over 15,000,000 cubic feet of stone if a quarry width of only 100 feet be counted.

Colitic Limestones are receiving much attention. From two to four colitic beds of excellent quality have been found to occur in the Ste. Genevieve—Sa. Louis formation on both sides of the Cincinnati geanticline. A systematic sampling of this series of limestones in Rockcastle county was accomplished, and beds adapted to nearly all purposes for which limestone may be used were found. The most important of the beds are the Sparks or upper colitic bed, 10 to 31 feet thick, and the Mt. Vernon or lower bed, of similar character, 8 to 17 feet thick. Either of them is excellent for building stone, open hearth flux, etc. These limestones are found presenting an outcrop line of about twelve miles adjacent to the Louisville-Norton branch of the Louisville & Nashville railroad, between Maretburg and Sinks. In Hardin county, three miles southeast of Elizabethtown, a deposit of fine white colitic limestone, 12 feet thick, was noted, which is twelve miles nearer to Louisville and eastern markets than is the Bedford stone. Excellent beds were also seen in the vicinity of Upton, adjacent to the railroad, and also at Horse Cave and at Cave City. The beds reach their greatest development in the Bowling Green region, where, a thickness of from 10 to 16 feet of net, massive, colitic lime-

stone. In this region four areas, easily accessible to river and rail, offer, under very little cober, approximately 128,000,000 cubic feet of excellent building stone. One of the beds, newly opened, is an unusually beautiful white colite, readily carved and yet of good strength. These colitic limestones are quarried at a cost of 15 cents per cubic foot and bring in the rough from 30 to 65 cents. *Veined decorative marbles,* suitable for interior purposes, in yellow, pink and gray colors, occur in the Bowling Green region and in the vicinity of Cave City; they are to be had in beds from 3 to 15 feet in thickness. *Onyx-marble,* worthy of exploitation, is offered by the hundreds of caves in the Cave City and Glasgow Junction region. The good stone has an average value of $3.00 per cubic foot undressed, and costs only $1.15 to produce. *A honestone for marble,* an unusually fine grained, porous, crystalline, magnesian limestone bed occurs in the St. Louis formation in Hardin county. It is one of the two American "marble honestone" deposits marketed, and should find an extended use in pulverized form polishing soft metals; and it should replace the harder, merely scratching volcanic dust now used in household cleansers and scouring soaps.

17. Material for a Miscellaneous Bulletin has been prepared. It includes notes on occurrences of asphalt rock in various parts of the State; on the different forms of calcium carbonate for making whiting; on the properties and applications of calcite whiting; on the great calcite vein in Mercer county and other similar deposits; on lithographic stone; on building stones; on the zinc rocks of Lewis county, and on some of the special sorts of calcareous stones of the State.

18. Barytes Deposits.—Study of the barytes deposits of central Kentucky has been completed and the report is

nearing completion. This work is in the hands of Mr. Fohs. The survey has proved this to be the greatest barytes district in the United States. The available tonnage is enormous. There are near to 150 veins. The veins frequently have a linear extent of three and five miles, the average length being one mile, and the workable barytes extends to an average depth of about 250 feet. Until the survey undertook this investigation, comparatively little was known concerning the value of our barytes deposits; indeed, Kentucky was not even mentioned as a source of commercial barytes in publications dealing with the mineral. Some mining was done years ago in one of the veins and in Henry and Owen counties, and in Franklin county, but it was solely for the purpose of obtaining lead, and results were not, upon the whole, remunerative. Mining primarily for the barytes with lead and zinc as a by-product, is now carried on in a number of localities. Two plants for preparing the mineral for market are in operation, and there is reason to expect that an additional one will be built at an early day. The survey believes that these are merely the pioneers of what will eventually prove to be a great Kentucky industry founded on these deposits.

19. Calcite Deposits.—Investigations of the calcite deposits were carried on coincident with the work on barytes. As one result of the investigations a profitable industry, in the production of a very high grade of calcite whiting, has been established.

20. Soil Work.—Soil surveys were made in Webster, Ohio, Madison, and Rockcastle counties in 1910, and in the Big Sandy Valley, in Henderson county, in Leslie county and in Perry county in 1911. This work, which is in the hands of Mr. S. C. Jones, is carried along lines that are of real, practical value to the farmer. The field work is

conducted by the survey alone and the laboratory work (including pot culture experiments) by the survey and the State Agricultural Experiment Station in co-operation. A valuable preliminary report of the results of his investigations during the past two years has been prepared by Mr. Jones, for this report, but it is thought best to present it as a separate article. A brief statement concerning the soils and agricultural possibilities of the Eastern coalfield, prepared by Mr. Jones and based on his work in that field during the past season, is included in this report in the hope that its early publication may prove helpful to those who are interested in the agricultural aspects of that rapidly advancing region.

21. Soil Bulletin.—Material for a Soil Bulletin has been prepared. It includes reports and papers as follows:. The geology of Kentucky soils; a practical way to supply plant food to our soils; soils of the St. Louis and Chester formations as represented in Meade and Breckenridge counties; soils of the St. Louis and Waverly formation as represented in Adair, Green and Taylor counties; ground limestone for improving soils; soil survey of the Marrs farm in Henderson, a study of the character and needs of certain sorts of defective farmlands in the Western coalfield; effect of ground rock phosphate on Kentucky soils; soils of the Hartford quadrangle; soils of Rockcastle county; soils of the Webster county area; a study of soil types in Madison county; and the phosphate rocks of central Kentucky.

22. Chemical Work.—Several hundred analyses have been made in the chemical laboratory of the survey. The samples analyzed include not only those collected by the survey, but a great number that have been sent in by citizens throughout the State. No charge is made for analytical work done for citizens of the State, and every effort is made

to furnish results within a short time. Unfortunately, however, the chemist (whose hands are always full) cannot always analyze the samples sent as soon as the persons sending them desire, and this has caused the director to receive some unpleasant communications in regard to the matter.

Topographic Mapping.

Mapping of the State, which is being carried on in cooperation with the U. S. Geological Survey, is being pushed as rapidly as possible. Each organization bears half of the expense of field and office work. For the $10,000 per annum expended by Kentucky the State receives more than $20,000 in the way of results, since the Federal Survey engraves and prints the maps without cost to the State. The mapping is done according to quadrangles, each of which includes an area (varying according to location) of about 238 square miles.

In the Eastern coalfield, where accurate contour maps are greatly needed—are, indeed, absolutely required before detailed geology (such as mapping the outcrop lines, and thus determining the areas, of important coals) can be taken up properly—much time has been consumed in making the triangulation and running primary levels and traverse necessary before the final topographic work can be undertaken. A large portion of the field, together with an area which includes Lewis and Rowan counties, has been triangulated and primary "control" obtained, and detailed topographic work has been taken up. In the Western coalfield the obtention of premilinary control is less difficult than in the more rugged Eastern one, and more rapid progress has been made in completing topographic sheets. Several quadrangles outside the coalfields have been surveyed, and the sheets published, but it has seemed best at this time to

place most of the mapping in the coalfields and the oil and gasfields, where accurate maps are indispensable for accurate geological work. About twenty maps made in co-opertion have been published.

The field work for the following quadrangles has been completed within the last two years: The Nortonville, including parts of Muhlenburg, Hopkins and Christian counties, area 238 square miles (map published); the Drakesboro, including parts of Muhlenburg, Todd and Logan, area 238 square miles; the Berrys Lick or Rochester including parts of Muhlenburg, Ohio, Logan and Butler, area 238 square miles; the Little Muddy or Morgantown, including parts of Butler, Warren, and Logan, area mapped 171 square miles (nearly completed); the Monticello, including parts of Wayne, Russell and Clinton, area mapped 108 square miles (completed); the Crockettsville, including parts of Breathitt, Perry and Leslie, area 237 square miles; the Troublesome, including parts of Breathitt, Perry and Knott, area 237 square miles. Such field work was done in the Lagrange and Taylorsville quadrangles as was necessary to complete the map of Jefferson county. In the course of the work, as reported by the director of the U. S. Geological Survey, 1,555 square miles were mapped; 514 miles of primary levels were run; 152 permanent bench marks were set; and 5,533 miles of secondary traverse were run. To this must be added the areas covered by triangulation.

The topographic mapping is carried on under the supervision of Mr. W. H. Herron, Geographer in charge of the Central Division of the U. S. Geological Survey. An account explaining in detail co-operative methods of topographic surveys and the results of primary leveling, triangulation, and primary traverse, during the past two seasons, together with an index map of Kentucky, has been prepared

by Mr. Herron; this will be presented for publication as a separate article.

Publication of Reports.

The survey has been greatly embarrassed in its work through failure to get its reports printed within reasonable time—a matter quite beyond the control of the director. Attention was called to this in the last biennial report. Delays on the part of contractors for public printing have not only held up the publication of reports long after their preparation, but they have subjected the survey to criticisms that it has not in any way deserved; moreover, these delays have compelled the director to give much time to the preparation of special matter relating to regions inquired about, to meet the requirements of correspondence, that should have been available for other matters, including field work. An accumulation of unprinted reports has resulted from such delays, but it is not hoped that, in consequence of arrangements that have been made recently by the Superintendent of Public Printing, the accumulated reports will go through the press within the next four months, and that reports now in course of preparation will be published within proper time.

To in some degree compensate for delays in printing the complete reports, it is proposed to hereafter issue leaflets and press letters from time to time, to such extent as the resources of the survey will permit and the Governor approve.

Following is a memorandum of reports in the hands of printers, reports ready for publication but reserved, and reports in course of preparation:

IN THE HANDS OF PRINTERS—

No. 16. Bulletin 13. The Coals of the Poor and Clover Forks of Cumberland River in Harlan and Letcher Counties. By J. M. Hodge. (In printer's hands since July 31, 1911).

No. 17. Bulletin 14. Coals of the Pineville Gap Region in Knox and Bell counties. Includes the Log Mountains, Yellow and Browning Creeks, Straight Creek and its branches, Stewart's Branch and Fourmile Creek in Bell; and Greasy, Brush and Stinking creeks in Knox. By G. M Sullivan and A. R. Crandall. (In printer's hands since July 31, 1911).

No. 18. County Report 1. The Mineral Veins and Other Resources of Livingston County. By R. H. Loughridge; revisions up to 1910 by F. J. Fohs. This report, with three others was lost after it had been placed in the hands of a former contractor for public printing. Reproduced in 1910-11.

No. 19. Bulletin 15. General Report on the Lead, Zinc, Fluorspar, Barytes and Calcspar Region of Western Kentucky, in Caldwell, Crittenden, Christian, Livingston, Lyon and Trigg Counties. By F. J. Fohs. This report was lost after it had been placed in the hands of a former contractor for public printing. Reproduced in 1910-11.

No. 20. County Report 2. Geology and Soils of Adair, Green and Taylor Counties. Geology by A. M. Miller. Soils by S. C. Jones. (Ready since 1909).

No. 21. Bulletin 16. The Waverly Formations of East Central Kentucky, and their Economic Values, in

Lewis, Greenup, Carter, Rowan, Bath, Menifee, Montgomery, Powell, Morgan, Estill, Fleming, and Clark counties. By W. C. Morse and A. F. Foerste. (Ready since December, 1909).

No. 22. County Report 3. Report on the Economic Resources of Lewis and Rowan Counties. By F. J. Fohs. (Ready since 1910).

No. 23. County Report 4. Report on the Economic Resources and Soils of Rockcastle County. Geology by F. J. Fohs. Soils by S. C. Jones. (Ready since 1910).

No. 24. Bulletin 17. Geological Reconnoissance of the Region Drained by the Tradewater River, with special reference to coals. Embraces parts of Union, Webster, Hopkins, Christian, Crittenden, and Caldwell counties. By L. C. Glenn. (Ready since 1910).

No. 25. Bulletin 18. Coals of the Region Drained by the Quicksand Creeks, in Breathitt, Floyd and Knott counties. By F. J. Fohs. (Ready in 1911).

No. 27. Bulletin 20. Preliminary Report on the Economic Geology of the Hartford Quadrangle, together with a report on the soils. Geology by J. H. Gardner. Soils by S. C. Jones. (Made ready in 1911).

No. 28. Bulletin 21. The Value of Dix River as a Source of Water Power. By A. F. Foerste. (Made ready in 1911).

No. 29. Bulletin 22. Geology of the Central City, Madisonville, Calhoun and Newberg Quadrangles, in Muhlenberg, Ohio, Hopkins, McLean, Webster, Daviess and

Henderson counties. By F. M. Hutchinson. Four reports in one bulletin. (Made ready in 1911).

READY FOR PUBLICATION BUT RESERVED—

The following are reserved until progress is made on other reports now in the hands of printers, or for other reasons given:

No. 26. Bulletin 19. General Account of the Natural Resources of Kentucky. (It is desired to use some of the plates that have been prepared for reports already noted).

No. 14. Bulletin 8. Key to the State Geological Map. (This has been ready so long that, since it is desired to get out a new edition of the map, it is held for revision to suit such map. If a new map cannot be issued, the Key will be printed as it now stands.)

No. 38. Bulletin 23. Soil Bulletin. The contents of this Bulletin have been given in paragraph 22 on a preceding page.

No. 31. Bulletin 24. Miscellaneous. The contents of this Bulletin have been given in paragraph 17 on a preceding page.

REPORTS IN COURSE OF PREPARATION—

1. Commercial Values of Kentucky Clays, as Determined by Kiln Tests and Otherwise, from Various Parts of Kentucky. By H. D. Easton. (This Bulletin nearing completion, is the result of a long series of technologic tests by Prof. Easton.)

2. The Soils and Agricultural Conditions of the Big Sandy Valley. By S. C. Jones.

3. Study of a Typical Area of Mountain Soils in the Region Drained by the Three Forks of the Kentucky River, as represented by Perry and Leslie counties, with a Discussion of the Agricultural Possibilities of that Region. By S. C. Jones.

4. A General Discussion of the Soils of Kentucky. By S. C. Jones.

5. A General Discussion of the Coals of the Eastern and Western Fields, with analyses and determinations of calorific values. By C. J. Norwood.

6. The Barytes Deposits of Kentucky. By F. J. Fohs.

7. The Coals and Other Resources of Webster county, and area representative of varied structural conditions encountered in the Western Coalfield. By L. C. Glenn.

8. Oil and Gas Bulletin No. 2. Includes: Oil and Gas along the Rough Creek Anticline, in Ohio county, by J. H. Gardner; the Diamond Springs Oil and Gas District, by J. H. Gardner and K. D. White; the Sebree Dome as a Possible Source of Oil and Gas. By K. D. White (ready); Errors That Have Been Made in Drilling Along the Rough Creek Anticline. By K. D. White.

9. The Phosphate Rocks of the Midway District. By A. F. Foerste.

10. A general Account of the Structural Materials of Kentucky. By C. J. Norwood.

11. Study of the Elm Lick Coal and Its Outcrop Line. Stratigraphy by J. H. Gardner; map by K. D. White.

12. Study of the Wayne County Oil District, with Some Notes on Other Kentucky Fields, by M. J. Munn. (In co-operation with the U. S. Geological Survey.)

13. Bulletin on Resources Along Transportation Lines. Includes: (a) Along the Louisville & Nashville Railroad, from Louisville to the Tennessee Line, by F. J. Fohs. Is ready. (b) Along the Railroad Lines in the Jackson's Purchase Region. By J. H. Gardner.

Projected Work.

Projected work includes continuation of investigations in the coalfields; continuation of work along transportation lines, and of investigations of clays in field and testing laboratory; investigation of mine gases and dusts; study of the streams, including, if it can be arranged, co-operation with the State Board of Health in the study of stream pollution; investigations of materials for road building and of structural materials, including stone, cement rock and sands, and continuation of the soil surveys and topographic mappings. Such county work will be taken up within the ensuing season as conditions will permit.

Disbursements.

The survey is credited with its appropriations according to fiscal years ending June 30th, but the Director's report of expenditures are required to be checked with the Auditor's books according to quarters of the calendar years; moreover, the field plans of the survey are necessarily adjusted to calendar years and allotments are spread

so as to accord with such plans. The following report of expenditures, showing "amounts expended, under proper heads, and for what purposes," is, therefore, made up according to calendar years.

DISBURSEMENTS, CALENDAR YEAR 1910.

Geology, including oil and gas surveys.

Salaries	$4,908.01
Field and allied expenses	1,388.74
Total	$6,296.75

Soil Investigations.

Salaries (exclusive of geologists)	$1,179.98
Field expenses	398.16
Total	$1,578.14

Chemistry and Chemical Laboratory.

Salaries	$1,800.00
Apparatus and supplies	403.71
Total	$2,203.71

Technology of Clays.

Salaries	$ 600.00

Fuel Testing.

Salaries	$150.00

Office.
Salaries (clerk, stenographer and janitor)...$1,680.00
Supplies, postage, telegrams, telephone, P. O. box rent 113.24

Total $1,793.24

Drafting.
Salary $1,200.00

Museum.
Temporary aid at various times, labor at various times, repairs to cases, and supplies (soap, mops, etc.) $211.20

Equipment and Repairs and General Supplies.
Repairs to barometers, multigraph, tables $363.70

Freights, cartage and expressage $34.31

Director.
Pay at $25 per month $300.00
Traveling expenses 19.32

Total $319.32

Co-operative Mapping.
Salaries, subsistence and miscellaneous field expenses $6,530.79

DISBURSEMENTS ACCOUNT, CALENDAR YEAR 1911.

Geology, including oil and gas.
Salaries $6,055.65
Field and allied expenses 1,645.19

Total $7,700.84

Soil Investigations.
Salaries $1,196.97
Field expenses 363.92

Total $1,560.89

Chemistry and Chemical Laboratory.
Salaries $1,800.00
Supplies and apparatus 141.64

Total $1,941.64

Technology of Clays.
Salaries . . . . . $ 600.00

Fuel Testing.
Salary $25.00

Stream Gaging.
Pay of gager, 6 months $48.00

Office.
Salaries (clerk, stenographer, janitor and temporary aid) $1,815.00
Supplies, postage, P. O. box, telephone, telegrams 123.65

Total $1,938.65

Collecting Mineral Statistics in Co-operation with U. S. Geological Survey.
Pay of aid . . . . . $ 225.00

Drafting.
Salary $1,200.00

Museum.

Repairs to cases, molding for hanging pictures, labor at various times, supplies...$ 134.20

Equipment, Repairs and General Supplies.

Repairing transit, adjusting typewriter, field books, drawing paper, tracing cloth, blueprint papers, oil for clay kiln, window shades, drawing ink and similar items...$ 114.43

Freights, cartage and expressage .....$ 45.81

Director.

Pay at $25 per month .....$ 300.00
Traveling expenses 41.88

Total . . ..$ 341.88

Charged Against the Survey by Error of Auditor's Office.

Engraving and printing maps for Bulletin 12.$ 91.00
Printing blanks for Inspector of Mines..... 9.46

Total $100.46

Mapping in Co-operation with U. S. Geo. Survey.

Salaries, subsistence and miscellaneous field expense $13,441.71

The Geology of Webster County.

Abstracts from report of L. C. Glenn.

(It is due Dr. Glenn that it should be said he prepared a very full abstract of the first part of his report for this

Biennial Report. It has seemed best, however, to keep this report within narrower limits than would be possible were the complete abstract used. Therefore, only those parts of his abstract that deal with Stratigraphy, Structure and Economic Geology inserted here. The relating to stratigraphy has been condensed, and some minor matter relating to structure ("Minor Folds and Faults") has been summed up in a few words, but the part relating to ecnomic resources is given in full, as written by Dr. Glenn.—C. J. N.)

Webster county lies wholly within the coal field of Western Kentucky. It is north of Hopkins and immediately south of Union and Henderson counties. The Rough Creek anticline which crosses northern Webster and the Webster synclinal basin farther south affect the depth of the coal beds so that near the former they may occur in outcrop or at shallow depths, while to the southwestward near the center of the basin, some of the coal lie at depths at present too great for them to be mined.

STRATIGRAPHY.

It is important to note in the subjoined section that the workable coals, the chief economic resource of the county, are confined to the Tradewater formation which includes the Bell and "No. 5" coals, and to the Mulford formation which carries the "No. 9," "No. 11," and "No. 12" beds. It is also important to note the unconformities which locally affect the Baker, the "No. 9," and the "No. 11" coals.

GENERAL SECTION— Feet

Recent—Alluvium deposits along stream beds.
Pleistocene—Graves Creek formation; fine or mucky clay and sand and gravel.....100-175

GENERAL SECTION—Continued— Feet

Pliocine—Union formation; Yellowish or brownish loam, locally a typical loess (with land shells) 8-20

Lafayette formation—Chert and quartz gravels cemented by iron-stone crusts; provisionally correlated; a few feet.

Marked unconformity; formations above frequently absent.

Pensylvanian Series—Dixon formation: Calcareous shale containing a 20-foot limestone bed constitutes the upper 150 to 250 feet. Vandersburg sandstone, fine-grained and of variable character, possibly 25 feet. Shales 80 to 100 feet. Dixon sandstone, fine-grained and of variable character, 10 to 25 feet; rarely 50 to 60 feet. Total thickness, with thin coals of no present value, about 340

Unconformity—Lisman formation: Chiefly soft shale, sometimes colored and calcareous, with some sandstone and thin limestones (including the Madisonville limestone), with the Anvil Rock sandstone—ferruginous, coarse to conglomeritic and cross-bedded, 10 to 55 feet thick, usually at the base, but absent between Clay and Wheatcroft, where shale containing the Baker coal forms the base. Total thickness 900-1000

GENERAL SECTION—Continued— Feet

Marked unconformity—Possibly responsible for the presence or absence of the Baker coal.

Mulford formation—Chiefly shale, but contains important coals. Beginning at top: Shale 10 to 30 feet (rarely 125 to 150 feet) with a thin limestone at the base.

Unconformity—Which causes absence of No. 11 coal in the Clay and Sebree regions. No. 11 coal; shale except in southwestern Webster, where a prominent sandstone occurs near the base, 90 to 100 feet.

Unconformity—Responsible locally for the absence of 20 to 30 feet of shale and the occasional cutting of channels 50 to 75 yards across into No. 9 coal. Total thickness, 250 feet (east of Providence) and 146 feet (at Sebree); usually 150

DeKoven formation—Shales, thin sandstone and thin (unworkable) coals. At the base is the Sebree sandstone, coarse and massive, 10 to 50 feet thick. Formation is of variable thickness, 100 feet in the Sullivan-Providence region, thickening to 151 feet at Sebree, and to 398 feet further north, at Tilden. Thickness 100-400

Marked unconformity—Tradewater formation: Principally shale with occasional inconstant sandstone beds. Includes No. 5 coal near top and the Bell coal near the base. Thickens from 175 feet at Sebree, in eastern Webster,

General Section—Continued—	Feet
to 700 feet in western Webster and western Union. Thickness	175-700
Caseyville formation—Coarse, cross-bedded, conglomeritic, cliff-forming sandstone in 20-foot to 60-foot beds alternating with thin beds of shale (up to 20 feet thick), containing thin (usually valueless) coal seams. Thickness, about	200
Marked unconformity—Mississippian Series: Lockhard - Leitchfield formations: Fine-grained fossiliferous limestones and fine-grained quartziti sandstones. Exposed	200

Beneath the Lockhart-Leitchfield formations are lower-lying Mississippian limestones, sandstones, and shales; Devonian shale and Silurian rock, the coarsely porous beds of which, under suitable structural conditions, may yield oil and gas.

The surface of the county is a succession of lowlands and uplands, with the former predominating. At the southwestern margin of the county, along Tradewater river, is a narrow strip of lowland underlaid by the Tradewater formation and bordered on the northeast by an upland belt of three parallel ridges of harder rock. Near the base of the first ridge, which is characterized by the upper Tradewater and DeKoven formations, is the No. 5 coal, while the second ridge, characterized by the Mulford formation, has the No. 9 coal at its base. Coal No. 11 is near the base of the third ridge. These three sandstone-capped ridges run southeastward across the county, from near Sullivan or Wheatcroft to Providence and beyond. Next is a lowland trending northeast across the county, several miles wide between

Clay and Lisman; it is characterized by the Lisman formation and Baker coal. Northeastward, a broad upland belt crosses the center of the county and includes the towns of Dixon and Vandersburg; it is characterized by the Dixon formation. Bèlcourt and Outon are on a subordinate upland containing a coal of local value, while the Sebree upland extends from Marksville eastward to Green river, showing outcrops, both north and south, of coals No. 9, No. 11 and No. 12; the latter also underlie nearly all of the lowland occupied by Green river and its tributaries. Still another upland, of moderate relief, stretches across the northern end of the county. These uplands are separated by Deer Creek, Graves Creek and the Green River. Between the Dixon and Sebree uplands is the Rough Creek uplift, along whose course the Lockhart-Litchfield, the Caseyville, and higher formations are exposed.

The relationship of lowland and upland belts to the coals and formations here described should prove a helpful guide in the location of coal beds.

Structure.

The general or broad structural features of the county are simple. The rocks of all the county, except a strip a few miles wide east and west across its northern end, lie in a broad synclinal trough. The axis of this trough has a general northwest-southeast course and it runs roughly through the Luzon-Dixon-Mt. Gilead school region, coinciding in a general way with the axial line of the Dixon upland.

From the Tradewater and beyond the rocks dip northeastward in this axial line at a rate that generally runs from two to four or five degrees. This dip is somewhat greater

in the western part of the county, about Wheatcroft and Clay, than farther east about Providence.

The axial position is not sharply compressed, but the bottom of the trough is broad and fairly flat. The trough is deeper in the Mt. Gilead region than in the Dixon region.

On the northeast the rocks dip southwestward generally at a somewhat higher angle, especially as one nears the Rough Creek anticline, where dips of eight to twelve or fifteen degrees are not uncommon, while locally dips may go much higher, though high dips, when traceable in surface exposure, are found to flatten out very rapidly and hence do not involve a great thickness of rocks.

The northern edge of the structural basis passes east through Tilden, and the crest of the Fulcher and Melton hills and of the Sebree hills, or delimited by the Rough Creek anticline. This basin might be called the Webster syncline, if a name for it became desirable.

The Sebree Anticline. On the northeast side of the broad basin above described, the rocks generally rise until they are broken sharply off by a fault line along the Rough Creek anticline. From Marksville east to Green river, however, the rocks rise to an anticlinal crest and then pitch down on the north side before they are broken off by the great fault. They thus form a long, narrow anticline with the rocks strongly arched, but not badly crushed or broken along its axis. This anticline plunges down and dies out just north of Marksville at its west end. About a mile east or southeast of Sebree it pluges down for some distance but farther east the axis becomes horizontal again and it leaves the county at Steamport Ferry still as a pronounced anticline. The highest point along the axis of this anticline is

in the hill about half a mile southwest of Sebree Springs, where the structure is somewhat domed. The elevation of this dome has been great enough to bring the top of the Caseyville conglomerate above drainage level there, here it forms the cliffs about Sebree Springs.

THE ROUGH CREEK ANTICLINE. This disturbance enters the county on the Union county side near Givens and pursues a somewhat zig-zag course through Tilden, the Fulcher and Melton hills, the northern part of the Sebree hills, through Sebree to Green river about half a mile south of Eastwood ferry, where it passes into McLean county.

This faulting was caused by an overthrust from the south. In places the rocks broke and those from the south were thrust up over those on the north side of the fault. In other places the faulting was of the block type and small areas, always on the south side of what may be considered the main line of faulting, were lifted bodily upward several hundred feet. The zig-zag course of the fault line across the county is due to the predominance of the block-fault feature. East of Marksville, as has been said above, the faulting has been attended with the devolopment of an anticline on the south side of the general fault line, but even here there is also block faulting and crushing along the fault plane on the north side of this subordinate anticline. In Webster county the term Rough Creek *fault* would be more applicable than Rough Creek *Anticline*

North of this great fault line the rocks are essentially flat. They do dip to the northwest or west-northwest, but at a very low angle, and they seem to be practically undisturbed on their southern margin even up almost to the very fault plane itself.

Elsewhere in his report Dr. Glenn calls attention to the fact that "along the Rough Creek anticline rocks stratigraphically 2,500 feet or more apart may be found lying side by side." He also observes that minor folds and faults occur in the shales and other rocks, but that they are usually insignificant and unlikely to affect the economic value or workability of the important coal beds in any material way. —C. J. N.

Economic Geology.

Coal is the only mineral resource at present developed. There are a number of seams of much economic importance in the county.

In the southwestern part of the county the lowest of these seams is not exposed at the surface, but may be reached by the shaft along the Tradewater river in the general vicinity of Blackford. This seam is the Bell coal. Its thickness and quality are not known in Webster county, but its outcrop down the Tradewater makes it probable that workable areas may be found by boring in this county.

Coal No. 5 of Owen, now generally called No. 6, is workable along its outcrop practically across the entire southwestern end of the county. This outcrop is at or near the foot of the steep scarf overlooking the Tradewater lowland and runs, as has already been said in the topographic section of this report, from Sullivan to Yarbro. This coal is mined for local use at several country banks between Golds and Rice's mill. It is solid and about 46 inches in thickness. Over it there are 3 to 5 feet of black shale, separated from the coal by a highly calcareous layer three to six inches thick and filled with marine fossils. This is very characteristic of this coal in this region.

The dip of the rocks northwestward into the Webster synclinal basis soon carries this No. 5 coal too far below drainage to permit of its being worked at present, and when these rocks again rise to the surface in the Sebree region this coal has thinned until it is no longer workable, and, indeed, is not identified with perfect certainty, though it seems probable that it is the second thin coal beneath the Sebree sandstone there.

Coal No. 6, now generally called No. 7, lies close beneath the scarp-making Sebree sandstone. It is nowhere known to be thick enough to work in the southwestern part of the county, though attempts have been made to work it at several places southwest of Providence, where it is somewhat thicker than usual, but is very dirty and varies greatly in section in even a few yards. In the Sebree region it is most probably the coal that years ago was opened at country banks at a number of places in the hills two to three or four miles southwest of Sebree. It is characterized by its position close beneath the scarp of the Sebree sandstone and by being underlaid by 3 to 6 feet of gray siliceous fireclay with strap-shaped plant impressions.

The next coal of value is No. 9. This is the most uniform in presence, thickness, and good quality of all the coals of the county and is, all in all, the most valuable one. It is without parting, is very uniformly 56 to 58 inches thick, and has a massive black shale roof that everywhere contains concretions of iron sulphide or iron carbonate popularly known as "nigger heads."

The quality is good and this coal is actively mined on a commercial scale at numerous points on its southwestern outcrop, from Wheatcroft, or west of there, to Providence. In a broad area in the central part of the Webster basin

this coal, as well as coals No. 11, No. 12, and No. 13 above it, are all too deep to be mined at present, though the day cannot be far distant when it will become practicable to reach them by shaft.

On the northeast side of the basin, coal No. 9, rises to the surface near Marksville, where it is now mined at the Sparks or Woods mine, and has been mined at a number of places east of there in the vicinity of Ortiz.

North of the Rough Creek anticline No. 9 coal is everywhere present in Webster county, except where the old deep valley of Green river has cut it out. It is mined by shaft at Sebree.

Ninety to a hundred feet over No. 9 is generally found another coal, No. 11, that is comparable to No. 9 in commercial value and is likewise extensively mined. No. 11 is, however, variable in thickness and liable to be absent in places, so that it is not so reliable a coal as No. 9. One intending to develop it should very thoroughly prospect the area with a core drill before purchase. This coal is absent for several miles along its outcrop horizon in the Clay neighborhood. The gap extends from the old Toga mine near Wheatcroft to near the Lever mine some two miles northwest of Providence.

In the Sebree region coal No. 11 is usually partly or entirely absent.

It is characterized most readily by lying close beneath a limestone that everywhere contains fusulinas. This coal also contains everywhere a band of clay, usually about two inches thick and known as the "blue band." The thickness will vary from 5 to 7 feet. Between the coal and the over-

lying limestone there may be some inches of black slate, or soft clay, or "gob." The limestone forms an excellent roof.

Coal No. 12 lies close above the limestone over No. 11 coal, but is rarely thick enough or regular enough in Webster county to be prospected. On the Frank Sanders place, two miles west of Sebree, it has been mined as a country bank. It is not generally regarded as a valuable coal. The Marks coal mined at Marksville, belongs here. It is pockety in its development there.

Above coal No. 12 at a variable interval of say 20 to 40 or more feet, there is found in the region northwest of Clay a valuable coal called by the writer the Baker coal, or coal No. 13 in numerical order since it is the next coal above No. 12 coal in this region. It seems probable that it is the same as a similar thick and excellent coal known in the region east of Webster county in a number of places and there sometimes called coal No. 14.

The hazard in giving numbers to coals that are but little known or cannot easily be traced and identified stratigraphically is well illustrated by this Baker coal in its relationship to coal No. 11, the identity of which at any point is never in question. In a drill hole of the West Kentucky Coal Company in line with the slope entry of their Mine 4 at Wheatford, and 2,200 feet in advance of their workings in June, 1910, the first coal above coal No. 11 was 56 feet higher, and it might, in the absence of other data, be called coal No. 12; but in another hole at the end of the slope entry, i. e., 2,200 feet from the first mentioned hole, this interval had decreased to 45 feet and another coal had appeared within it. Numbered here, this new intermediate coal would be No. 12, as it is indeed, generally and properly known there, and the upper coal would be numbered thirteen, this

upper one being the Baker coal. When such confusion in correlation may result from the presence of a coal within less than half a mile, it is evident that something more than mere numerical sequence is necessary in correlating coals a score or more of miles apart, it may be. Where such widely seperated coals are thin and little known and there is little or nothing distinctive about them or their stratigraphic setting, it is extremely hazardous to attempt numbering. This would apply especially to the thin coals in the top of the Lisman and in the Dixon formation. As these, however, are not of commercial or, except in rare small areas, even of local importance it is not thought desirable in a brief summary such as this to attempt to name or describe them

Oil and Gas.—The rocks that underlie Webster county are known to contain at least small quantities of oil and gas, and numerous attempts have been made, especially near Tilden and at Sebree, to develop an oil field. These attempts were all made on the north side of the Rough Creek fault and were all in about as unfavorable places as could well have been selected. At these places small seeps of oil or gas occur, working their way up along the fault planes; and faults that permit the escape of oil and gas naturally, are not generally favorable places to drill for accumulations of oil or gas. The rock on the south side of the fault rise northward up to the fault plane, and if oil has accumulated at any point along the fault it would be in these tilted or dipping rocks on the south side of the fault plane, not in the flat rocks on the north side. The chances would have been greater of striking oil at Tilden if the wells had been drilled half a mile south of where they were drilled, though even there the chances could not be said to be very favorable.

A description is given in the structural section of this report of an anticline extending east from near Marksville,

just south of Sebree, to Steamport Ferry and beyond, and a doming of this anticline was mentioned. This dome has its center about where the highway crosses the hill top a half mile southwest of Sebree Springs or a few hundred yards east of this road crossing. This dome and the area along or close by on the north or south of the axis of the anticline for a mile or possibly two miles east of there, and for a similar distance west of there, appear to be the most favorable territory in the county to prospect for oil and gas.

Another almost equally favorable area is the high hill crest near or east of the old McLarty place a mile west of Knob Lick Creek, where a slight doming of the axis also occurs.

SHALE AND CLAY.—There is an abundance of shale and clay almost everywhere for brick and tile making and such industries could be developed without limit.

FIRECLAY.—While tests have not been made, the underclays of several of the various coals, especially that under Owen's No. 6 coal, seem to be fireclay and would warrant experimental tests to determine their value.

BUILDING STONE.—The sandstone of the county contain much material that might be used as building stone. The only quarry is one two miles east of Sebree, where stone is gotten out for local use for foundations and chimneys.

The limestones are sometimes used for rough foundations, though generally little or no attention is paid to their use. They are probably too impure to be used for lime. They could be used to advantage for crushed stone for road building.

SAND.—Sand for local use may be obtained at numerous places along the streams in or at the edge of the uplands, but is absent from the lowlands. In some places the Dixon sandstone is disintegrated to a soft, loose mass for the building sand.

MISCELLANEOUS.—In various places small pieces of galena, sphalerite, fluorite, phosphate, pyrite, and siderite may be found in place in the county, but nowhere is there any probability whatever that any of them occur in economically valuable quantities. There are also legends of silver mines supposed to exist, especially in the Sebree hills, and known to the Indians and certain ones of the early settlers. It is needless to say to any one who knews the mode of the occurence of silver that such stories are pure myths; and the most positive assurance may be given to the credulous parties who even now occasionally spend time and money hunting and digging for such mythical hidden wealth, that in such search both time and money are wasted.

SOILS AND AGRICULTURE OF THE EASTERN COALFIELD.

By S. C. JONES.

The area lying within the Eastern Coalfield that is generally referred to as the "Mountain Region of Kentucky" represents about one-fifth of the total area of the State, or about 8,000 square miles. It was long looked upon by those ignorant of its possibilities, as a practically valueless country. In truth, it has been handicapped in the past because of its poor wagon roads and the lack of railroads, which meant that it was practically shut off from the rest of the world.

But the hills and mountains of this region are rich in

fine coals, which offer particular advantages for mining, and in some sections there are vast tracts clothed with valuable timbers. Now the outside world is demanding both the coal and the timber; consequently many miles of railroad are now under construction, many new mines are being opened and equipped, and towns are springing up where but a few months ago stood the silent forest. Coal lands that but a few years ago sold for fifty cents to two dollars an acre now bring from twenty dollars to one hundred dollars an acre. The whole "mountain region" is astir. It is doubtful whether there is to be found anywhere in the United States a section of country that is undergoing more rapid development, or one in which wealth is being created more rapidly than in this Eastern Coalfield of Kentucky.

While this section of the State is not what may be termed an agricultural country, the fact that its mining interests are being developed means also the development of conditions favorable for certain phases of types of agriculture.

The Soils.

The soils of the region are derived from sandstone, sandy shales, clays and coals that go to make up the Coal Measures. This soil area like other great soil areas of the State presents conditions conducive to diversified soils. They may be divided in a general way into three classes, namely: those of the ridges, those of the hillsides, and those of the bottoms.

Over the greater portion of this area the ridges are too narrow for any purpose, while near the border of the Coalfield is found more or less ridge land covered with soils

varying from sand to sandy loams, or loams underlain with a more clay-like subsoil.

On the hill-sides are found loams, sandy loams, and shale or gravelly loams. The soils on the east and north hillsides (those facing the east and north,) and those in the coves, are usually deeper than those on the south and west hillsides. The south and west hillsides are regarded better for grass, while the east and north hillsides are regarded better for cultivation.

It will be seen by observing the geological map of the State that streams are numerous in the Eastern Coalfield, along which is found more or less bottom land. The width of the bottoms vary of course with the size of the streams. Along many of the streams are found both first and second bottoms. The first bottom lies near the stream and is subject to overflow, while the second bottom is usually above the overflow line.

In the first bottoms brown sandy loams and loams are found, while in the second bottoms are found silt-loams, loams, and clay loams of varying color, ranging from gray to yellow and brown. The gray soils are found in the wider bottoms near the base of the hill, and would be greatly benefited by artificial drainage. No doubt drainage would greatly benefit all of the second bottom soils.

The future for the soils of this section of the State lies in the development of property, holticulture, grazing, truck-gardening, and the production of poultry.

There are large areas of rough sandy loam in parts of this region that are fit only for forestry. Such areas are

usually found along the dividing ridges between the main waterways. Many of these areas have already fallen into the hands of companies that are handling the forest with more or less care, while as a rule the forest belonging to the individual is being rapidly destroyed.

It is perhaps safe to say that there is a greater future for horticulture in Eastern Kentucky than for any other phase of agriculture. While it is true that the large fruits, such as apples, peaches, and pears, are often damaged by late freezes and frosts, yet if the proper varieties were grown and the orchards properly cared for no doubt this damage could be materially decreased. Grapes and other small fruits appear to do especially well when given attention.

On the hillsides containing the loamy soils or soils of more clay-like nature, and even on the sandy soils, such grasses as orchard grass, red top, English blue grass, and even Kentucky blue grass thrive well when given favorable opportunities. The great reason for failure in growing grass is that the land is corned to death before an attempt is made to produce grass. When sown in new land that has been well cared for, success usually results. Japanese clover grows wild and now is the chief grass for pasture.

Sheep will no doubt be the most profitable animal for this country, especially where the more important breeds take the place of the mountain sheep.

With the increase in the mining population the bottom lands will naturally be converted into truck gardens. Much of the bottom lands has been cultivated in corn year after year for the last seventy-five or hundred years, and is now badly worn, especially that lying above the overflow line.

The overflow land is practically as fertile as when first cultivated.

The chemical analyses have not been made of the soil samples collected from the Eastern Coalfield. The second bottoms that have been so long under cultivation will doubtless be found to be decidedly acid when analyzed.

Which was received and filed and ordered to be spread on the Journal, referred to the Committee on Geological Survey.

Mr. L. B. Owens called up for consideration from the Clerk's desk a resolution entitled,

S. Res. 2. Resolution inviting Hon. Judson Harmon to address the General Assembly of the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it resolved the General Assembly of the Commonwealth of Kentucky, That the Hon. Judson Harmon, Governor of the State of Ohio, Hon. Champ Clark, Speaker of the National House of Representatives and Governor Woodrow Wilson of New Jersey be invited to address the General Assembly during this session at their pleasure and that a Committee of three be selected by the Lieutenant Governor to act with him in extending to the distinguished Governor this invitation.

Mr. L. C. Owens offered the following amendment to said resolution, viz.:

Amend by adding the name of Hon. John W. Kern.

Said amendment was agreed to.

Said resolution as amended was concurred in.

Mr. Smith called up for consideration from the Clerk's desk the following resolution, viz.:

S. Res. 4. Resolution providing for two hundred copies of the State Inspector's report on the State University to be furnished the members of the General Assembly.

Whereas, the State Inspector by direction of his Excellency Governor Willson visited the State University on two separate occasions some weeks since in order to make inspection and report on the administration and conduct of the institution, and

Whereas neither of these reports of the Inspector, although his work was completed about the first of December, has yet been made public, and whereas the public and the General Assembly are interested to know the contents of these reports in order that intelligent action may be had by the General Assembly upon the affairs of the University,

Therefore, be it resolved by the General Assembly that two hundred copies on both reports be printed and furnished to the members of the General Assembly for their information and use.

Said resolution was concurred in.

Mr. Schoberth of the Committee on Kentucky Statutes to which the same had been referred reported a resolution entitled,

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished to members of the General Assembly.

(For resolution see House Journal, January 3rd.)

With the expression of opinion that said ought to be adopted.

Said resolution was disagreed to.

The yeas and nays being taken thereon in accordance with the provisions of the constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Earl C. Huntsman	Stanley F. Reed
Eugene G. Asher	W. E. King	H. A. Schoberth
Hiram Brown	M. C. Kirk	W. A. Shawler
Wm. L. Bowling	F. A. Lochry	W. Scott Smith
Sidney G. Clay	Emanuel Meyer	John G. Stoll
W. Frank Cole	Harry J. Meyers	C. B. Thompson
Francis B. Douglas	Charles D. McCrea	E. B. Thompson
Ben F. Egleston	W. N. McCubbin	Louis B. Tieman
Allie T. Gaines	C. B. Nichols	J. H. Williams
Joe Hall	W. F. Parker	B. S. Wilson
L. B. Herrington	W. V. Perry	Edward L. Young
John W. Holland	John A. Polin	
James R. Howell	W. A. Price	—37

Those who voted in the negative were—

Robert H. Akin	W. L. Craig	John G. Kelley
P. L. Atherton	Elkanah Dickey	William J. Kuh
George Baker	J. H. Elder	James A. Leach
J. M. Bean	Eli Farmer	J. Albert Leach
Eli Berry	S. Walton Forgy	B. J. Matthews
A. V. Bertram	T. J. Gregory	S. F. Middleton
E. Bishop	Elwood Hamilton	R. C. McClure
H. C. Blades	V. D. Hammond	Ben E. Niles
John F. Brewer	A. B. Hatton	L. B. Owen
C. W. Burton	A. B. Holland	Luther C. Owings
George P. Chinn	W. J. Jackson	A. W. Palmer
Henry Chunn	Green R. Keller	Robt. H. Scott

Walter S. Sinclair	Henry Thomas	E. B. Wiley
Adam Spahn	D. B. Thurman	David W. Wiley
A. H. Stamper	Yeaman Watkins	Charles Yancy

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Mr. Keller moved to reconsider the vote by which said resolution was disagreed to.

Mr. Farmer moved to lay said motion on the table.

Said last named motion was disagreed to.

The yeas and nays being required thereon by Messers. Farmer and Williams were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Henry Chunn	W. F. Parker
Eugene G. Asher	Eli Farmer	Walter S. Sinclair
John F. Brewer	W. J. Jackson	Yeaman Watkins
Wm. L. Bowling	F. A. Lochry	J. H. Williams

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Those who voted in the negative were—

Robert H. Akin	Francis B. Douglas	John W. Holland
P. L. Atherton	Ben F. Egleston	James R. Howell
George Baker	J. H. Elder	R. Dillard Hunter
J. M. Bean	S. Walton Forgy	Earl C. Huntsman
Eli Berry	John F. Fryer	Green R. Keller
A. V. Bertram	Allie T. Gaines	John G. Kelley
E. Bishop	D. Clarence Gray	W. E. King
H. C. Blades	T. J. Gregory	M. C. Kirk
Hiram Brown	Joe Hall	William J. Kuh
C. W. Burton	Elwood Hamilton	James A. Leach
George P. Chinn	V. D. Hammond	J. Albert Leach
Sidney G. Clay	A. B. Hatton	B. J. Matthews
W. Frank Cole	L. B. Herrington	Emanuel Meyer
Elkanah Dickey	A. B. Holland	Harry J. Meyers

S. F. Middleton	John A. Polin	Henry Thomas
R. C. McClure	W. A. Price	C. B. Thompson
Charles D. McCrea	Stanley F. Reed	E. B. Thompson
W. N. McCubbin	H. A. Schoberth	D. B. Thurman
C. B. Nichols	Robt. H. Scott	Louis B. Tieman
Ben E. Niles	W. A. Shawler	E. B. Wiley
L. B. Owen	W. Scott Smith	David W. Wiley
Luther C. Owings	Adam Spahn	B. S. Wilson
A. W. Palmer	A. H. Stamper	Charles Yancy
W. V. Perry	John G. Stoll	Edward L. Young

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Pending the consideration thereof a message was received from the Senate announcing that they had concurred in a resolution which originated in the House entitled,

H. Res. 4. Resolution for the employment and appointment of certain persons and for the payment of certain contingent expenses of the General Assembly of the Commonwealth of Kentucky and providing the mode of payment thereof.

With an amendment thereto.

(For resolution see House Journal, January 11th.)

The amendment as proposed by the Senate thereto is as follows, viz.:

Amend by adding at the end of the fourth paragraph of Section 1, "Stenographer to the President of the Senate at $5.00 per day, Stenographer to the Chief Clerk at $5.00 per day, Messenger to the President at $2.50 per day.

Said amendment was concurred in.

Said resolution as amended was then adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Elwood Hamilton	C. B. Nichols
P. L. Atherton	V. D. Hammond	Ben E. Niles
J. M. Bean	A. B. Hatton	L. B. Owen
Eli Berry	L. B. Herrington	Luther C. Owings
A. V. Bertram	A. B. Holland	John A. Polin
E. Bishop	John W. Holland	Stanley F. Reed
H. C. Blades	James R. Howell	H. A. Schoberth
C. W. Burton	R. Dillard Hunter	Robt. H. Scott
George P. Chinn	Earl C. Huntsman	W. A. Shawler
Sidney G. Clay	Green R. Keller	Adam Spahn
Elkanah Dickey	John G. Kelley	A. H. Stamper
Francis B. Douglas	W. E. King	John G. Stoll
Ben F. Egleston	William J. Kuh	C. B. Thompson
J. H. Elder	James A. Leach	E. B. Thompson
S. Walton Forgy	F. A. Lochry	D. B. Thurman
John F. Fryer	B. J. Matthews	Louis B. Tieman
Allie T. Gaines	Emanuel Meyer	E. B. Wiley
D. Clarence Gray	Harry J. Meyers	B. S. Wilson
T. J. Gregory	S. F. Middleton	Charles Yancy
Joe Hall	Charles D. McCrea	Edward L. Young

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Those who voted in the negative were—

William Ahl	W. Frank Cole	W. F. Parker
Eugene G. Asher	Eli Farmer	W. V. Perry
George Baker	W. J. Jackson	W. A. Price
Thos. M. Bertram	M. C. Kirk	Walter S. Sinclair
John F. Brewer	J. Albert Leach	W. Scott Smith
Hiram Brown	R. C. McClure	Henry Thomas
Wm. L. Bowling	W. N. McCubbin	Yeaman Watkins
Henry Chunn	A. W. Palmer	David W. Wiley

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Mr. Schoberth moved that the House do now adjourn.

Said motion was agreed to.

TUESDAY, JANUARY 16, 1912.

The House was opened with prayer by the Rev. Roger T. Nooe of the Christian Church of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The House took up for consideration the unfinished business from yesterday, to-wit; a resolution entitled,

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished to members of General Assembly.

The motion of Mr. Keller to reconsider the vote by which said resolution was on yesterday disagreed to was adopted.

Mr. Atherton offered the following amendment to said resolution, viz.:

"That the State Librarian shall furnish to any member of the Senate or House of Representatives, on his written request, a copy of the Kentucky Statutes and Codes of Practice and that at any time during the session any member of the Senate or of the House may purchase and retain said copy at a price of $5.00 for the Statute and $3.00 for the code."

Said amendment was agreed to.

Said resolution as amended was then adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Bladés
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
E B. Wiley
David W. Wiley
J. H. Williams
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

John G. Kelley Yeaman Watkins B. S. Wilson

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The Speaker laid before the House the following communication from the Governor, viz.:

Executive Department,

Frankfort, Ky., January 16, 1912.

To the Senate and House of Representatives:

I will have a reception at the Executive Mansion on Wednesday evening, the seventeenth of January, from eight to eleven o'clock and will be pleased to meet Senators, Representatives, State officials and all persons who will honor me with their presence.

JAMES B. MCCREARY.

Mr. Schoberth moved that said invitation be accepted.

Said motion was unanimously agreed to.

By unanimous consent Mr. Spahn, of the Committee on Printing, to which had been referred a resolution heretofore offered by Mr. Lochry (For Res. see House Journal Jan. 8th), reported said resolution with the following proposed amendment thereto, viz.:

Amend by striking out the words "one of which shall be the Frankfort News-Journal, the other."

Mr. Holland moved that said resolution and proposed amendment be laid on the table.

Said motion was agreed to.

Mr. Emanuel Meyer sent to the Clerk's desk and had

read a communication from John Schneider, First Vice-President of the Kentucky State Federation of Labor, and

Mr. Emanuel Meyer offered the following resolution, viz.:

Whereas, the Kentucky State Federation of Labor has requested that Dr. Stagg Whitin, General Secretary of the National Committee on Prison Labor be allowed to address this House January 18, be it hereby resolved that this House allow him to do so.

Mr. Herrington moved that said resolution and communication be referred to the Committee on State Prisons and Houses of Reform.

Said motion was disagreed to.

Said resolution was adopted.

Mr. Forgy offered the following resolution, viz.:

Whereas, a large majority of this General Assembly are members of the Democratic Party; and whereas certain pledges or promises were made to the people in the Democratic platform and by its representatives during the last State campaign in order to secure the support of the people and a restoration of power; and whereas, many bills have already been introduced for consideration by this General Assembly and referred to the respective committees: therefore, be it resolved, That it is the sense of this House that those bills that have been introduced by its members in an effort to carry out the pledges of the Democratic party as expressed in its 1911 platform should be treated as of first importance, and reported to this House by the respec-

tive committees as soon as a proper consideration of the same will permit, in order that every pledge of the State Democratic platform may be speedily complied with.

Said resolution was adopted.

Mr. Huntsman moved to reconsider the vote by which said resolution was adopted.

Mr. Schoberth moved that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Herrington offered the following resolution, viz.:

That the Chairman, or any member of any standing or special committee appointed by the Speaker of this House, which has under consideration any bill, resolution or measure referred to it by the Speaker of this House shall be and each member thereof is authorized and empowered to administer oath to any witness appearing before such committee; to compel any witness to testify under oath regarding any proper matter under the committee's consideration; and to summons witnesses and compel their attendance to testify under oath regarding any matter which may be of proper subject of inquiry by any such committee or which will be of value and assistance to the committee in disposing of any bill, resolution or measure pending before it.

Said resolution was adopted.

Mr. Herrington offered the following resolution, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-arms of the House be and he is hereby directed to secure a blackboard, similar to the one now in service in the Senate, and locate same in some prominent and convenient place in the House, for use as a roster upon which the Clerk shall post every morning the time and place of important committee meetings, whenever notice of such meeting shall be furnished the Clerk by the chairman of any such committee.

Said resolution was adopted.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a Joint Resolution of the following title, viz.:

H. Res. 4. Resolution for the employment and appointment of certain persons and for the payment of certain contingent expenses of the General Assembly of the Commonwealth of Kentucky and providing the mode of payment thereof.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

The hour of 12 o'clock, meridian, having arrived,

Mr. John W. Holland moved that the House do now proceed, in accordance with the Constitution and laws of

the United States and the laws of Kentucky, to the election of a Senator in the Congress of the United States, from the State of Kentucky, to succeed Hon. Thos. H. Paynter whose term of office will expire on the 4th day of March, 1913.

The Speaker announced that nominations for said office were in order.

Mr. Charlton B. Thompson named the Hon. Ollie M. James of the County of Crittenden as a suitable person to fill said office.

Mr. Asher named the Hon. Edwin P. Morrow of the County of Pulaski as a suitable person to fill said office.

The House then openly, by viva voce vote of each member present, proceeded to name one person for Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. Thos. H. Paynter whose term of office will expire on the 4th day of March, 1913, which vote resulted as follows, viz.:

Those who voted for Mr. James were—

Robert H. Akin	Sidney J. Collins	Elwood Hamilton
P. L. Atherton	W. L. Craig	V. D. Hammond
J. M. Bean	Elkanah Dickey	A. B. Hatton
Eli Berry	Francis B. Douglas	L. B. Herrington
A. V. Bertram	G. L. Drury	A. B. Holland
E. Bishop	Ben F. Egleston	John W. Holland
H. C. Blades	J. H. Elder	James R. Howell
Wallace Brown	John M. Farra	R. Dillard Hunter
C. W. Burton	S. Walton Forgy	W. J. Jackson
G. E. Carroll	John F. Fryer	Green R. Keller
George P. Chinn	D. Clarence Gray	John G. Kelley
Henry Chunn	T. J. Gregory	W. E. King
Sidney G. Clay	Joe Hall	Charles H. Knight

William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell

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Those who voted for Mr. Morrow were—

William Ahl
Eugene G. Asher
Thos. M. Bertram
John F. Brewer
Hiram Brown
Wm. L. Bowling
W. Frank Cole
Eli Farmer
Allie T. Gaines
Earl C. Huntsman
M. C. Kirk
J. Albert Leach
B. J. Matthews
Emanuel Meyer
R. C. McClure
W. N. McCubbin
W. F. Parker
Walter S. Sinclair
W. Scott Smith
John G. Stoll
Henry Thomas
E. B. Thompson
Yeaman Watkins

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On summing up the vote it was found to stand thus:

For Mr. James .....74 votes.
For Mr. Morrow .....23 votes.
Total number of votes cast .....97 votes.

Ordered that the Clerk enter on the Journal that Ollie M. James has received a majority of all the votes cast, a majority of all the members elected to the House of Representatives being present and voting.

Mr. John W. Holland offered the following resolution, viz.:

Resolved, That the Clerk prepare and have printed in pamphlet form two hundred copies of the list of standing committees of this House and a copy be furnished to each member.

Said resolution was adopted.

Mr. Wilson offered the following resolution, viz.:

Resolved, That it is the sense of this House that all committee meetings be announced in the House while in session or posted on the bulletin board at least one hour before any such meeting is held and said announcement shall state the hour and place of meeting.

Said resolution was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 17, 1912.

The House was opened with prayer by the Rev. Roger T. Nooe of the Christian Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. McClure offered the following resolution, viz.:

Whereas, the members of the House of Representatives have heard with profound regret that the Hon. Emanuel Meyer, a member of this body, on yesterday sustained great

bodily injuries in a railroad wreck, and is by reason thereof unable to be present at the daily session of this House,

Therefore, be it resolved, That the sincere sympathy of this body be extended to him in his untimely afflictions, coupled with the earnest hope that his recovery may be speedy and permanent.

Resolved further that a copy of this resolution be engrossed and sent to him by the Clerk of this House.

Said resolution was unanimously adopted.

Mr. Niles of the Committee on County Unit and Public Morals to which was referred a bill entitled,

H. B. 30. An act to amend Chapter 21 of the Acts of 1906, entitled "An Act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1, Chapter 81 of the Kentucky Statutes, entitled 'Liquors—Intoxicating.' "

Which bill was read the first time at length, ordered to its second reading and placed on the calendar.

A message was received from the Senate through a committee composed of Senators Eaton, Salmon, Pritchard and Catlett announcing that the Senate was now ready to meet with the House in Joint Assembly for the purpose of eexcuting the Joint Special Order of the Day, to-wit: the naming of one person for Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. Thos. H. Paynter whose term of office will expire on the 4th day of March, 1913.

Mr. Hamilton moved that a committee of three be ap-

pointed by the Speaker to wait upon the Senate and advise them that the House of Representatives is ready to receive the Senate in Joint Assembly for the purpose aforesaid.

Which motion was agreed to.

The Speaker appointed Messrs. Hamilton, Forgy and Wallace Brown as said committee.

Said committee retired and after a time returned and reported that they had performed that duty.

The hour of 12 o'clock, medidian, having arrived, the hour for the Joint Special Order of the Day, to-wit: the naming of one person for Senator in the Congress of the United States from the State of Kentucky to succeed the Hon. Thos. H. Paynter whose term of office will expire on the 4th day of March, 1913.

Said Joint Special Order being in pursuance to the Constitution and laws of the United States and of the State of Kentucky.

The Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and in pursuance of a Joint Rule of the Senate ond House of Representatives the Hon. Edward J. McDermott, Lieutenant Governor and President of the Senate, took the Chair and presided, the Hon. Claude B. Terrell, Speaker of the House of Representatives having taken his seat on the right of the President of the Senate; the two Houses were convened in Joint Assembly the same being composed of a majority of all the members elected to each House.

The roll was called and the following members of the

Joint Assembly answered to their names, to-wit:

In the Senate—

W. J. Bale
P. J. Beard
J. W. Berkshire
E. Bertram
J. E. Biggerstaff
Joe F. Bosworth
Hiram M. Brock
J. R. Catlett
N. B. Chipman
Nim. R. Cobern
W. E. Dowling
John H. Durham
W. V. Eaton
W. A. Frost
Seldon R. Glenn
J. C. Graham
Webster Helm
E. E. Hogg
C. Holman
R. L. Hubble
Hite Huffaker
S. L. Marshall
Dr. C. W. Mathers
W. B. Moody
H. D. Newcomb
J. T. Pritchard
Mark Ryan
R. M. Salmon
Dr. H. G. Sanders
M. O. Scott
Dr. B. F. Tichenor
J. T. Tunis
W. F. Welch

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In the House of Representatives—

William Ahl
Robert H. Akin
Eugene G. Asher
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings

A. W. Palmer
W. F. Parker
J. R. Paxton
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
Charles Yancy
Edward L. Young
Speaker Terrell
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The Journals of the proceedings had in the two Houses on yesterday pertaining to the election of a Senator in the Congress of the United States as aforesaid were read and approved by the Joint Assembly.

It appears upon reading and comparison of the Journals of the Senate and House of Representatives of yesterday that the vote taken in the two Houses separately were as follows, viz.:

Those who voted for Mr. James in the Senate were—

B. M. Arnett
L. W. Arnett
T. F. Bagby
W. J. Bale
P. J. Beard
J. W. Berkshire
E. Bertram
Gus Brown
J. R. Catlett
N. B. Chipman
Nim. R. Cobern
W. E. Dowling
John H. Durham
W. V. Eaton
W. A. Frost
Seldon R. Glenn
J. C. Graham
Webster Helm
E. E. Hogg
R. L. Hubble
Hite Huffaker
S. L. Marshall
Dr. C. W. Mathers
W. B. Moody
H. D. Newcomb
J. T. Pritchard
Mark Ryan
R. M. Salmon
Dr. H. G. Sanders
M. O. Scott
Dr. B. F. Tichenor
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Those who voted for Mr. Morrow in the Senate were—

J. E. Biggerstaff	Hiram M. Brock	J. T. Tunis
Joe F. Bosworth	C. Holman	W. F. Welch

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Those who voted for Mr. James in the House were—

Robert H. Akin	Joe Hall	A. W. Palmer
P. L. Atherton	Elwood Hamilton	J. R. Paxton
J. M. Bean	V. D. Hammond	W. V. Perry
Eli Berry	A. B. Hatton	Marion F. Pogue
A. V. Bertram	L. B. Herrington	John A. Polin
E. Bishop	A. B. Holland	W. A. Price
H. C. Blades	John W. Holland	Stanley F. Reed
Wallace Brown	James R. Howell	S. L. Robertson
C. W. Burton	R. Dillard Hunter	S. H. Rogers
G. E. Carroll	W. J. Jackson	H. A. Schoberth
George P. Chinn	Green R. Keller	Robt. H. Scott
Henry Chunn	John G. Kelley	W. A. Shawler
Sidney G. Clay	W. E. King	Adam Spahn
Sidney J. Collins	Charles H. Knight	A. H. Stamper
W. L. Craig	William J. Kuh	C. B. Thompson
Elkanah Dickey	James A. Leach	D. B. Thurman
Francis B. Douglas	F. A. Lochry	Louis B. Tieman
G. L. Drury	Hugh Mahin	E. B. Wiley
Ben F. Egleston	Harry J. Meyers	David W. Wiley
J. H. Elder	S. F. Middleton	J. H. Williams
John M. Farra	Charles D. McCrea	B. S. Wilson
S. Walton Forgy	C. B. Nichols	Charles Yancy
John F. Fryer	Ben E. Niles	Edward L. Young
D. Clarence Gray	L. B. Owen	Speaker Terrell
T. J. Gregory	Luther C. Owings	

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Those who voted for Mr. Morrow in the House were—

William Ahl	Allie T. Gaines	W. F. Parker
Eugene G. Asher	Earl C. Huntsman	Walter S. Sinclair
Thos. M. Bertram	M. C. Kirk	W. Scott Smith
John F. Brewer	J. Albert Leach	John G. Stoll
Hiram Brown	B. J. Matthews	Henry Thomas
Wm. L. Bowling	Emanuel Meyer	E. B. Thompson
W. Frank Cole	R. C. McClure	Yeaman Watkins
Eli Farmer	W. N. McCubbin	

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On summing up the vote it was found to stand thus:

In Senate—

For Ollie M. James .....31 votes
For Edwin P. Morrow ..... 6 votes

In House of Representatives—

For Ollie M. James .....74 votes
For Edwin P. Morrow .....23 votes

It appearing from the reading and comparison of the Journals aforesaid the Hon. Ollie M. James received a majority of all the votes cast in each House, a majority of all the members elected to each House being present and voting the Hon. Edwin J. McDermott, Lieutenant Governor and President of the Senate presiding over the Joint Assembly, announced and declared that the Hon. Ollie M. James is duly elected a Senator in the Congress of the United States from the State of Kentucky for a term of six years years beginning on the 4th day of March, 1913, to succeed the Hon. Thos. H. Paynter, whose term will expire on the 4th day of March, 1913.

The Journals of the proceedings of the Joint Assembly of today were read and approved by the Joint Assembly.

Mr. Forgy moved that the Joint Assembly do now dissolve.

Said motion was agreed to.

The Senate retired and the Hon. Claude B. Terrell,

Speaker of the House of Representatives, resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had concurred in an amendment proposed by the House to a resolution which originated in the Senate entitled,

S. Res. 2. Resolution inviting Hon. Judson Harmon to address the General Assembly of the Commonwealth of Kentucky.

That they had concurred in aresolution which originated in the House of Representatives entitled.

H. Res. 3. Resolution providing for copies of the Governor's message to be placed on the desk of each member of the House and Senate and on the desk of the Governor.

That they had adopted resolutions of the following titles:

1. S. Res. 5. Resolution to provide copies of the Kentucky Statutes and Code to the Chairman of the several committees of the Senate and House of Repersentatives.

2. H. Res. 6. Resolution fixing the time for the election of a Librarian.

1st. Was referred to the Committee on Kentucky Statutes.

2d. Was ordered to lie on the Clerk's desk.

And then the House adjourned.

THURSDAY, JANUARY 18, 1912.

The House was opened with prayer by the Rev. Roger T. Nooe, of the Christian Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the Counties and Representatives Districts bills were introduced, ordered printed and referred as follows, viz:

By Mr. Huntsman:

H. B. 158. An act to repeal Article 19, Section 4281a and Subsections inclusive to 4281s, relating to inheritance tax.

To Committee on Revenue and Taxation.

By Mr. Asher:

H. B. 159. An act dividing the State into one hundred Representative Districts.

To Committee on Redistricting—Legislative.

By same:

H. B. 160. An act to elevate and regulate the qualification and fitness of County Assessors.

To Committee on Judiciary.

By same:

H. B. 161. An act making it a felony for any person to have in his possession or about his person a voter's registration certificate.

To Committee on Suffrage and Elections.

By Mr. Hatton:

H. B. 162. An act to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to assign the cities and towns of this Commonwealth to the class to which they belong approved the —— day of ——, 1910.

To Committee on Classification of Cities and Towns.

By Mr. Egleston:

H. B. 163. An act providing for the examination of teachers and fixing the dates of examinations.

To Committee on Education No. 1.

By Mr. King:

H. B. 164. An act to amend an act entitled "An act to prohibit the sale, barter or loan of any intoxicating beverage, liquid mixture, or decoction in local option districts.

To Committee on County Unit and Public Morals.

By Mr. Hunter:

H. B. 165. An act for the promotion of demonstration work in agriculture and horticulture among the negroes

providing for industrial institutes and appropriating annually $5,000.00 therefor.

To Committee on Agriculture.

By same:

H. B. 166. An act making it unlawful to haul a load exceeding two tons in weight on any turnpike or gravel road with a tire less than three and one half inches broad.

To Committee on Public Roads and Highways.

By Mr. Berry.

H. B. 167. An act to protect and regulate the catching of mussel shells in the Ohio river and its Kentucky tributaries.

To Committee on Public Utilities.

By Mr. Matthews:

H. B. 168. An act to make it unlawful to use profane, abusive, insulting or obscene language over a telephone.

To Committee on Kentucky Statutes.

By Mr. Nichols:

H. B. 169. An act providing for the inspection of bulls, cows and calves held an owned in this State.

To Committee on Agriculture.

By Mr. Stoll:

H. B. 170. An act to repeal and amend Section 2560

of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating."

To Committee on County Unit and Public Morals.

By Mr. Collins:

H. B. 171. An act to provide State aid in building or reconstructing public roads with metal, stone or gravel.

To Committee on Public Roads and Highways.

By Mr. Hall:

H. B. 172. An act to amend Section 2282, Chapter 74, Kentucky Statues.

To Committee on Judiciary.

By Mr. Hamilton:

H. B. 173. An act to authorize the Governor, Secretary of State, Auditor, Attorney General and Treasurer of the Commonwealth of Kentucky, composing the Board of Capitol Commissioners, to lease the old Capitol buildings and grounds to the city of Frankfort for a term of ninety-nine years, excepting therefrom the building known as the "Legislative Building."

To Committee on State Capitol.

By same:

H. B. 174. An act to repeal subsections 1, 2 and 4 of Section 2735a of Carroll's 1909 Edition of the Kentucky

Statutes and directing the Inspector of Mines to remove his office and the geological collection of this State to the old capitol building at Frankfort.

To Committee on Geological Survey.

By Mr. Jackson:

H. B. 175. An act authorizing the Fiscal Court of each county to purchase such official records, blanks, stationery and office supplies as are necessary in the transaction of official business and for which there is now no provision of law authorizing the purchase of said articles.

To Committee on County and City Courts.

By same:

H. B. 176. An act to create a Department of Hotel Inspection, providing for the appointment of a Hotel Inspector and Department Inspector thereof, and prescribing their duties, and for the examination of all hotels in this State and describing the meaning of the word "Hotel," as used in this act.

To Committee on Judiciary.

By Mr. Farra:

H. B. 177. An act to make more certain the rights of domestic Life Insurance Companies.

To Committee on Insurance—Life and Accident.

By same:

H. B. 178. An act to amend Section 648a of the Ken-

tucky Statutes, being an act of March 24, 1906, Chapter 144, Acts 1906.

To Committee on Insurance—Life and Accident.

By same:

H. B. 179. An act to provide for the safe investment of the capital, funds, surplus and accumulations of all Life Insurance Companies created by the laws of this State.

To Committee on Insurance—Life and Accident.

By Mr. Gregory:

H. B. 180. An act amending an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

To Committee on Revenue and Taxation.

By Same:

H. B. 181. An act making it unlawful to purchase, procure or deliver spirituous, vinous or malt liquors for or to another as the agent of the seller or buyer of spirituous, vinous or malt liquors in local option territory.

To Committee on County Unit and Public Morals.

By Mr. Williams:

H. B. 182. An act entitled an act concerning railroad locomotives and head lights for them.

To Committee on Railroads.

By same:

H. B. 183. An act to provide for the protection of men regularly employed in the construction and repair of railroad equipment during inclement weather, and providing a penalty for the violation thereof.

To Committee on Railroads.

By Mr. Kelley:

H. B. 184. An act to repeal an re-enact subsection 8 of Section 4426a, Kentucky Statutes (Carroll's Edition, 1909) in regard to the County High School.

To Committee on Education No. 1.

By Mr. Shawler:

H. B. 185. An act to amend Article 1 of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act relating to revenue and taxation," approved March 15, 1906.

To Committee on Revenue and Taxation.

By same:

H. B. 186. An act to repeal an amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes, entitled "Liquors—Intoxicating."

To Committee on County Unit and Public Morals.

By same:

H. B. 187. An act to repeal Article 18 of an act of the General Assembly of the Commonwealth of Kentucky entitled "An act relating to revenue and taxation," approved March 15, 1906.

To Committee on Revenue and Taxation.

By same:

H. B. 188. An act to repeal Article 7 of an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

To Committee on Revenue and Taxation.

By Mr. Niles:

H. B. 189. An act for the purpose of enabling cities of of the 3d class to make certain street improvements under the Five Year Plan.

To Committee on Municipalities.

By same:

H. B. 190. An act to amend an act entitled "An act to amend an act to assign the cities and towns of this Commonwealth to the classes to which they belong."

To Committee on Classification of Cities and Towns.

By Mr. Owings:

H. B. 191. An act to amend Section 1 and Section 7 of an act entitled "An act creating and regulating the office

of County Treasurer," Session Acts 1891-2-3 which became a law Feb. 27, 1893, and the amendment to said act which was approved Feb. 27, 1893, and the amendment to said act, which became a law March 26, 1904.

To Committee on County and City Courts.

By same:

H. B. 192. An act to amend and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled "An act concerning conveyances approved April 22, 1893, and being Sections 501, 502, 503, 506, 507, 508, 514, Chapter 29 of Kentucky Statutes, compiled by John D. Carroll, and issued in 1909 and to amend and re-enact Section 1 of an act to cure certain defective certificates of proof deeds and to make copies from the records prima facie evidence in the Courts and tribunals of this State, approved March 24, 1902, and being Section 519a of said Statute and approved March 23, 1910.

To Committee on Judiciary.

By same:

H. B. 193. An act to amend an act entitled "An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor," approved March 21, 1906, and being Section 37 and 38, Kentucky Statutes.

To Committee on Agriculture.

By Mr. Knight:

H. B. 194. An act to provide uniform rules, regulating the use and speed of all vehicles on the public highways of

the State, defining motor vehicles and other vehicles and providing for the registration of motor vehicles and prescribing penalties and civil liabilities for the violation thereof.

To Committee on Judiciary.

By Same:

H. B. 195. An act to amend an act entitled "An act for the government of cities of the first class," approved July 1, 1893, as amended by an act approved February 9, 1894, relating to Executive Boards."

To Committee on Municipalities.

By William A. Perry:

H. B. 196. An act to amend Section 692, Kentucky Statutes, being Section 115 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

To Committee on Insurance—Life and Accident.

By Mr. Robertson:

H. B. 197. An act to amend Section 538 of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Mahin:

H. B. 198. An act to regulate the sale of certain agricultural seed.

To Committee on Agriculture.

By same:

H. B. 199. An act to provide State aid to counties in building or reconstructing public roads with metal, stone or gravel.

To Committee on Public Roads and Highways.

By Mr. Charlton B. Thompson:

H. B. 200. An act to Amend an act entitled "An act concerning courts having continuous sessions and two judges," approved March 2, 1906.

To Committee on Judiciary.

By Mr. Price:

H. B. 201. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the 1st and 2nd class.

To Committee on Municipalities.

By same:

H. B. 202. An act creating Boards of Education for cities of the second class, providing for the election thereof, defining their duties and repealing all laws in conflict therewith.

To Committee on Municipalities.

By Mr. Meyers:

H. B. 203. An act to regulate the sale of opium or its

alkoloidal salts or their derivatives or any admixture thereof.

To Committee on Kentucky Statutes.

By Mr. Thos. M. Bertram:

H. B. 204. An act authorizing the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

To Committee on Circuit Courts.

By Mr. W. V. Perry:

H. B. 205. An act to amend Section 723 of the Kentucky Statutes, entitled Guarantee and Surety Companies.

To Committee on Kentucky Statutes.

By same:

H. B. 206. An act to amend and re-enact Section 4683a of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Herrington.

H. B. 207. An act to repeal Sections 2487, 2488, 2489, 2490 and 2491, of the Kentucky Statutes, of the edition of John D. Carroll's compilation published in 1903.

To Committee on Judiciary.

By Mr. Reed:

H. B. 208. An act to amend Section 171, Constitution of the Commonwealth of Kentucky.

By Mr. Lochry:

To Committee on Constitutional Amendments.

H. B. 209. An act for the benefit of the Attorney General's office allowing $1,200.00 annually for additional clerk hire.

To Committee on Judiciary.

By Mr. Smith:

H. B. 210. An act to strike out Section 4383, Kentucky Statutes, relating to common schools and substituting therefor another section.

To Committee on Education No. 1.

By Mr. Baker:

H. B. 211. An act providing that operators of mines shall furnish firers in mines where shooting and blasting is done.

To Committee on Mines and Mining.

By same:

H. B. 212. An act to provide for the safety of persons employed in coal mines.

To Committee on Mines and Mining.

By Mr. Wallace Brown:

H. B. 213. An act to amend and re-enact Section 878 of the Kentucky Statutes, which is a part of Article 7, of an act of April 5, 1893, entitled "Corporations—Private."

To Committee on Corporate Institutions.

By Mr. Keller:

H. B. 214. An act to amend Section 885 of Chapter 33, Kentucky Statutes (Carroll's Edition, 1909), entitled "Costs."

To Committee on County and City Courts.

By Mr. Fryer:

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

To Committee on Education No. 1.

By Mr. Bowling:

H. B. 216. An act to repeal Section 2569a of the Kentucky Statutes, as complied by the Hon. John D. Carroll, 1909 edition.

To Committee on County Unit and Public Morals.

By same:

H. B. 217. An act dividing the State into one hundred Representative Districts.

To Committee on Redistricting—Legislative.

By Mr. Hammond:

H. B. 218. An act to provide for inspection of schools and school funds of the State and to make more efficient the Department of Education.

To Committee on Education No. 1.

By Mr. Forgy:

H. B. 219. An act prohibiting the insurance of the owners or operators of automobiles against loss or damage on account of injury to person or property from the peration of automobiles in this Commonwealth, and to prescribe a penalty for knowingly operating an automobile whose owner or operator has been insured as aforesaid.

To Committee on Judiciary.

By Mr. Drury:

H. B. 220. An act to repeal subsection 5 of Section 1403, Kentucky Statutes, and substitute therefor, which act relates to the personal property set aside to widow or infants of an intestate.

To Committee on Kentucky Statutes.

By same:

H. B. 221. An act amending an act of 24th of March, 1902, relating to advertisements of judicial and execution sales.

To Committee on Printing.

By same:

H. B. 222. An act to amend an act entitled "An act relating to weights, measures and balances and the appointment of an inspector of weights and measures for counties," approved March 23, 1910, and being Chapter 90 of the Laws of Kentucky for the year 1910.

To Committee on Kentucky Statutes.

By same:

H. B. 223. An act elevating Morganfield from a city of the 5th class to a city of the 4th class.

To Committee on Classification of Cities and Towns.

By same:

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the railroad commission with reference thereto.

To Committee on Railroads.

By Mr. Cole:

H. B. 225. An act for the benefit of the three State educational institutions: State University, Lexington, Kentucky; Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing necessary equipment, and for expansion of work, and also providing additional revenues for the maintenance of said institutions.

To Committee on State University and Normal Schools.

By Mr. Schoberth:

H. B. 226. An act to amend Chapter 12 of the Acts of 1908, entitled "an act to encourage the establishment and maintanance by private contribution, of Sanitoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanitoria as may be already established in Kentucky and those that hereafter may be established."

To Committee on Tuberculosis.

By same:

H. B. 227. An act defining cruelty to animals, prescribing means for the prevention thereof and fixing penalties for its violation.

To Committee an Agriculture.

By same:

H. B. 228. An act to repeal portions of and amend Article 3, Chapter 113, entitled "Board of Education," Carroll's Kentucky Statutes, 1909, and to establish a new State Board of Education with increased powers, to make more efficient the common school system of Kentucky.

To Committee on Education No. 1.

By Mr. Kirk:

H. B. 229. An act to regulate the carrying of deadly weapons in this Commonwealth.

To Committee on Criminal Law.

By Same:

H. B. 230. An act to prohibit persons from making, giving or delivering to another person any check or draft on any bank for the purpose of obtaining thereon any credit, money or other property of value when such person has no funds on deposit in said bank.

To Committee on Criminal Law.

By same:

H. B. 231. An act to amend and re-enact Section 2248, Kentucky Statutes, relating to the qualifications of grand jurors.

To Committee on Judiciary.

By same:

H. B. 232. An act to amend Section 1051, Kentucky Statutes, 1909, increasing the jurisdiction of quarterly courts.

To Committee on County and City Courts.

By Mr. Douglas:

H. B. 233. An act to amend an act entitled "An act for the government of cities of the 4th class."

To Committee on Cities of Fourth Class.

By same:

H. B. 234. An act to provide for location, erection, organization and management in Kentucky of a State Sanitorium for the cure and treatment of tuberculosis, and making an appropriation for the purchase of necessary land and the construction and equipment of necessary buildings, and making appropriation for the maintenance of the Sanitorium.

To Committee on Tuberculosis.

By same:

H. B. 235. An act concerning tuberculosis, etc.

To Committee on Tuberculosis.

By Mr. John W. Holland:

H. B. 236. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

To Committee on State Prisons and Houses of Reform.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a joint resolution of the following title, viz.:

H. Res. 3. Resolution providing for copies of the Governor's message to be placed on the desk of each member.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker

of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

A message was received from the Senate announcing that they had concurred in a resolution which originated in the House of the following title, viz.:

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished to members of General Assembly.

A message was received from the Governor announcing that he had approved and signed a resolution which originated in the House, entitled,

H. Res. 4. Resolution providing for the employment and appointment of certain persons and for the payment of certain contingent expenses of this General Assembly and providing the more of payment thereof.

Mr. Harry J. Meyers moved that when this House adjourn today it be to meet on Monday next the 22nd instant at 12 o'clock, m.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. H. J. Meyers and John W. Holland were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Hiram Brown	G. E. Carroll
John F. Brewer	C. W. Burton	W. Frank Cole

Allie T. Gaines	Harry J. Meyers	Stanley F. Reed
John W. Holland	Charles D. McCrea	John G. Stoll
Earl C. Huntsman	W. N. McCubbin	E. B. Thompson
W. E. King	W. F. Parker	David W. Wiley
Charles H. Knight	John A. Polin	
J. Albert Leach	W. A. Price	—22

Those who voted in the negative were—

Robert H. Akin	S. Walton Forgy	Ben E. Niles
Eugene G. Asher	D. Clarence Gray	A. W. Palmer
P. L. Atherton	T. J. Gregory	J. R. Paxton
J. M. Bean	Joe Hall	William A. Perry
Eli Berry	Elwood Hamilton	Marion F. Pogue
A. V. Bertram	V. D. Hammond	S. H. Rogers
Thos. M. Bertram	L. B. Herrington	H. A. Schoberth
E. Bishop	A. B. Holland	Robt. H. Scott
H. C. Blades	James R. Howell	W. A. Shawler
Wallace Brown	R. Dillard Hunter	Walter S. Sinclair
Wm. L. Bowling	W. J. Jackson	W. Scott Smith
George P. Chinn	Green R. Keller	Adam Spahn
Henry Chunn	John G. Kelley	Henry Thomas
Sidney J. Collins	William J. Kuh	C. B. Thompson
Elkanah Dickey	James A. Leach	D. B. Thurman
Francis B. Douglas	F. A. Lochry	E. B. Wiley
G. L. Drury	Hugh Mahin	B. S. Wilson
Ben F. Egleston	B. J. Matthews	Charles Yancy
J. H. Elder	S. F. Middleton	Edward L. Young
Eli Farmer	R. C. McClure	
John M. Farra	C. B. Nichols	—61

The House took up for consideration from the Calendar a bill of the following title, viz.:

H. B. 30. An act to amend Chapter 21 of the Acts of 1906, entitled "An act to amend Section 2560 of Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes, entitled 'Liquors—Intoxicating.'"

Said bill was read the second time by its title,

The provision of the Constitution as to the second reading of said bill at length being dispensed with.

Ordered that said bill be placed in the Orders of the Day.

The Committee to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 33. An act providing for the destruction of the carcass of swine dying from cholera and other diseases.

By Mr. Carroll of the Committee on County and City Courts:

H. B. 34. Anact relating to Fiscal Courts.

By Mr. Douglas of the Committee on State Capitol:

H. Res. 6. Resolution to reimburse the Governor for furniture, druggets and other adornments for the Mansion.

By same:

H. B. 23. An act to provide for the erection and completion of a Governor's Mansion and other necessary buildings connected therewith at the seat of Government.

By same:

H. B. 11. An act to amend an act for the government of cities of the 4th class, approved June 18, 1893, relating to the reconstruction of the public ways of cities of the fourth class.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Knight offered the following resolution, viz.:

Be it resolved that the Public Printer, or those in control of the printing of the bills introduced in this House, file with the Clerk by tomorrow morning a written explanation of why the bills have not been printed and distributed in the order which same were introduced.

Be it further resolved, that hereafter said printer, or those in control of the printing and distribution of bills, be required and distribute same in order in which they were introduced. That the Clerk be instructed to furnish the proper parties immediate notice of this resolution.

Said resolution was adopted.

Under and by virtue of a resolution entitled,

H. Res. 4. Resolution for the employment and appointment of certain persons and for the payment of certain contigent expenses of this General Assembly and providing the mode of payment thereof.

The Speaker announced the appointment of the following persons as additional employees of this House, viz:

Four Guards for Doors at $4.00 per day each—James W. Reed, Mont Cravens, Lee Baker, Sebastian Stone.

Stenographer to Chief Clerk at $5.00 per day—Charles J. Howes.

Stenographers to the House at $5.00 per day each—Aline Phillips, Zilpah Williamson.

Assistant Enrolling Clerk at $5.00 per day—Amy V, Lyons.

Bill Clerk and two Assistants at $4.00 per day each—Ambrose Thompson, R. W. Johns, Jefferson Thomas Bowman.

Two Mail Clerks at $4.00 per day each—Barrett Giles, John Newman.

One Copyist at $4.00 per day—Maude Applegate.

Five Messengers to the House at $2.50 per day each—Marks Hershberg, Richard H. Paxton, Jr., Laidley Douthitt, John Matthews, Earl Dickey.

Two Messengers for the Committees at $2.50 per day each—Marshall Howell, Juvenal Schnorbus.

One Messenger to the Speaker at $2.50 per day—Harry Seabold.

One Porter to the Speaker and the Clerk at $2.50 per day—John L. Wales.

And then the House adjourned.

FRIDAY, JANUARY 19, 1912.

The House was opened with prayer by the Rev. Roger T. Nooe of the Christain Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Akin presented a petition of sundry citizens of Caldwell County asking the enactment of law permitting the use of school houses by the farmers and citizens of the State for meetings having for their educational purposes.

Which was received, its reading dispensed with and referred to the Committee on Educational No. 1.

The Speaker laid before the House a communication from the Contractor of Public Printing.

Mr. Hamilton moved that the vote by which the House on yesterday adopted a resolution introduced by Mr. Knight be reconsidered.

Said motion was agreed to.

Thereupon Mr. Schoberth moved that said resolution and the communication from the Contractor of Public Printing be referred to the Committee on Printing.

Said motion was agreed to.

Mr. ——— offered the following resolution, viz.:

Resolved that the Clerk of this House have printed for the use of the Members two hundred and fifty (250) copies

of the platform of the Democratic party, State of Kentucky for the year 1911, and two hundred and fifty (250) copies of the Republican platform State of Kentucky for the year 1911.

Said resolution was disagreed to.

Mr. E. B. Thompson offered the following resolution viz.:

H. Res. 7. Resolution authorizing the Stenographers of the Senate and House to purchase typewriter machines for their use during this session.

Whereas, the Senate and House of Representatives have decided to employ a stenographer and

Whereas, a typewriter is needed by said stenographer, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, that each stenographer, heretofore appointed and employed be authorized to purchase a typewriter of their own selection, the cost thereof to be paid out of the Contigent Expense Fund of the State.

Ordered that said resolution lie over.

Mr. John W. Holland moved that when the House adjourn today it be to meet Monday, January 22, at 12 o'clock m.

Said motion was agreed to.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Polin of the Committee on Circuit Courts:

H. B. 41. An act to provide a Stenographer for the Commonwealth's Attorney of Districts containing Counties in the Commonwealth containing a population of 200,000 or over.

By Mr. Collins of the Committee on Charitable Institutions:

H. B. 7. An act for the benefit of the Kentucky School for the Deaf.

By Mr. Pogue of the Committee on Education No. 1.

H. B. 31. An act qualifying and enabling women to vote for the election of School Trustees and other school officers chosen by the people, except such officers as women may be disqualified from voting for by the Constitution, and upon school measures or questions submitted to a vote of the people and to hold common school offices, except such offices as women are disqualified from holding by the Constitution.

By Mr. Bean of the Committee on Junevile Courts and Childrens' Home:

H. B. 40. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled "An act relating to children who are now or may become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised as amended by an act approved March 23, 1910, entitled 'An act to amend Section 3 of an act of the General

Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised.' ''

By Mr. L. C. Owings of the Committee on State Fair:

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain lands to Federal Government for the purpose of establishing a Fish Hatchery.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills and a resolution of the following titles, viz.:

H. B. 33. An act providing for the destruction of the carcass of swine dying from cholera and other diseases.

H. B. 34. An act relating to Fiscal Courts.

H. B. 23. An act to provide for the erection and completion of a Governor's mansion and other necessary buildings connected therewith at the seat of government.

H. B. 11. An act to amend an act for the government of cities of the fourth class, approved June 28, 1893, relating to the reconstruction of the public ways of cities of the fourth class.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Calendar a resolution, entitled,

H. Res. 6. Resolution to reimburse the Governor for furniture, druggets and other adornments for the mansion.

Ordered that said resolution be read the second time.

The provision of the Constitution as to the second reading of said resolution at length being dispensed with it was read the second time by its title.

Mr. Hamilton moved that said resolution be recommitted to the Committee on State Capitol.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 30. An act to amend Chapter 21 of the Acts of 1906 entitled An act to amend Section 2560 of the Kentucky

Statutes it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors—Intoxicating."

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 1, of the Acts of 1906, entitled "An Act to amend section 2560, of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled 'Liquors, Intoxicating,'" be amended, by striking from subsection "a" the following words:

"Except that cities of the first, second, third and fourth classes may hold an election on the same day on which an election for the entire county is held," so that said act as amended reads as follows:

That section 2560, of the Kentucky Statues, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled "Liquors, Intoxicating," be, and the same is hereby repealed in lieu thereof, it is hereby enacted:

"'a' No election in any town, city, district or precinct of a county shall be held, under this article on the same day on which an election for the entire county is held. When an election is held in an entire county and a majority of the legal votes cast at said election are against the sale, barter or loan of spirituous, vinous, malt or other intoxicating liquors, then it shall not be lawful to sell, barter or loan any such liquors in any portion of the county. If, at such an election for the entire county, the majority of the legal votes cast are in favor of the sale, barter or loan of any such liquors, such election shall not operate to make it legal

to grant license to sell, barter or loan such liquor in any territorial division of such county from which the sale, barter or loan has been excluded by an election held under this article, or by special act, but the status of such territorial division shall remain as if no such election had been held.

"'b' No election shall be held in any precinct under this act on the same day on which an election for the district or city of which the precinct is a part. If in an election held for such an entire district or city, the majority of legal votes cast shall be in favor of the sale, barter or loan of spirituous, vinous, malt or other liquors, then the status in the several precincts thereof shall remain as it was before said election; but if the majority should be against the sale, then the sale, barter or loan of such liquors shall be unlawful in every portion of said district or city."

Mr. Niles moved that the Session of today be extended until the bill under consideration is disposed of.

Said motion was agreed to.

Mr. Robertson moved that the further consideration of said bill be postponed and the same be made the Special Order of the Day for Monday, January 29, at 11 o'clock a. m.

Said motion was disagreed to.

The years and nays being required thereon by Messrs. John W. Holland and Dickey were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton	John F. Brewer	Wm. L. Bowling
Eli Berry	Hiram Brown	C. W. Burton

G. E. Carroll
Sidney G. Clay
W. Frank Cole
Eli Farmer
John F. Fryer
Allie T. Gaines
D. Clarence Gray
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
J. Albert Leach
F. A. Lochry
Harry J. Meyers
Charles D. McCrea
J. R. Paxton
William A. Perry
W. A. Price
Stanley F. Reed
S. L. Robertson
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Yeaman Watkins

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Those who voted in the negative were—

William Ahl
Eugene G. Asher
J. M. Bean
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Wallace Brown
George P. Chinn
Henry Chunn
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
S. Walton Forgy
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
James R. Howell
W. J. Jackson
Green R. Keller
John G. Kelley
James A. Leach
Hugh Mahin
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
Marion F. Pogue
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
A. H. Stamper
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young

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The following pairs were announced, viz.:

Mr. Akin with Mr. Craig.

Mr. Akin would vote "nay" and Mr. Craig, if present would vote "yea."

Mr. Polin with Mr. Tieman.

Mr. Polin would vote "nay" and Mr. Tieman, if present, would vote "yea."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Eugene G. Asher
J. M. Bean
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
M. C. Kirk
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
Marion F. Pogue
John A. Polin
Stanley F. Reed
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
A. H. Stamper
E. B. Thompson
D. B. Thurman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell

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Those who voted in the negative were—

P. L. Atherton	W. E. King	S. L. Robertson
Eli Berry	Charles H. Knight	S. H. Rogers
Hiram Brown	William J. Kuh	Adam Spahn
Wallace Brown	Harry J. Meyers	John G. Stoll
Sidney G. Clay	Charles D. McCrea	C. B. Thompson
D. Clarence Gray	William A. Perry	
John W. Holland	W. A. Price	—19

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Williams offered the following resolution, viz.:

Whereas, the Hon. William Randolp Hearst, of New York, statesman and journalist, both as legislator and editor, has advocated and aided in passing many progressive and reform measures of legislation,

Resolved, that the Kentucky House of Representatives invite Mr. Hearst to address it during the Session of 1912 when it is convienient for him to do so.

Said resolution was agreed to.

Mr. Bowling offered the following resolution, viz.:

H. Res. 8. Resolution inviting Ex-President Theodore Roosevelt, of New York, and Hon. William Jenning Bryan, of Nebraska, to address the General Assembly during the present Session.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Ex-President Theodore Roosevelt, of New York, and the Hon. William Jennings Bryan, of Nebraska, are hereby invited to address the General Assembly of Kentucky at some time during the present Session, said time to be fixed by the distinguished statesmen at their own convenience.

2. That a Committee of three members of the House be appointed by the Speaker to notify Mr. Roosevelt and Mr. Bryan of the action of this General Assembly in extending to them this invitation.

Said resolution was adopted.

And then the House adjourned until Monday at 12 o'clock m.

MONDAY, JANUARY 22, 1912.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church, Southern Assembly, of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Asher:

H. B. 237. An act to amend and re-enact Article 4, subdivision 2, Chapter 36, Sections 1254 and 1255 of the Kentucky Statutes (Carroll) relating to firing woods and penalty therefor.

To Committee on Criminal Law.

By same:

H. B. 238. An act to repeal and re-enact Article 12, Chapter 198, subdivision 4, Section 4224 of Kentucky Statutes Carroll's 1909, relating to license for selling cigarettes and giving away cigarette papers by artifice or trick.

To Committee on Judiciary.

By Mr. Carroll:

H. B. 239. An act to amend Section 4309 of the Kentucky Statutes, relating to road precincts, road overseeres, their qualification and appointment.

To Committee on Public Roads and Highways.

By same:

H. B. 239. An act authorizing the fiscal courts of the counties of this Commonwealth to levy a special property tax for the coustruction, repair, improvement, strengthing, widening or altering of any public turnpike road or any part thereof.

To Committee on Public Roads and Highways.

By Mr. Clay:

H. B. 241. An act to repeal Section 68 of the Kentucky Statutes relating to the dog law.

To Committee on Agriculture.

By same:

H. B. 242. An act to promote the live stock interests in the State of Kentucky.

To Committee on Racing Commission.

By Mr. Thurman:

H. B. 243. An act to amend subsection 4618b, Chapter 119b, Kentucky Statutes (Carroll, 1909) relating to "State Capitol" and providing for insurance on the buildings belonging to the Commonwealth.

To Committee on State Capitol.

By Mr. Akin:

H. B. 244. An act to regulate the business of insurance or guaranteeing burial or burial expenses.

To Committee on Insurance—Life and Accident.

By Mr. King:

H. B. 245. An act to prevent the marriage of any person of unsound mind.

To Committee on Judiciary.

By same:

H. B. 246. An act in reference to trial juries.

To Committee on Circuit Courts.

By Mr. Elder:

H. B. 247. An act relating to filing and indexing of chattel mortgages.

To Committee on County and City Courts.

By Mr. Berry:

H. B. 248. An act to amend an act approved March the 22d, 1910, amending and re-enacting Section 2463, Kentucky Statutes, relating to liens of mechanics and material men.

To Committee on Judiciary.

By Mr. Nichols:

H. B. 249. An act recognizing and creating a pension for the benefit of all Kentucky ex-confederate soldiers and their widows residing in Kentucky, prior to the first day of November, 1911.

To Committee on Confederate Home.

By Mr. Stoll:

H. B. 250. An act to authorize the auditing and provide for the payment of the deficit occasioned by the Houses of Reform.

To Committee on State Prisons and Houses of Reform.

By Same:

H. B. 251. An act to amend Chapter 50 of the Acts of 1910, of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

To Committee on Suffrage and Elections.

By Same:

H. B. 252. An act to amend an act approved March 21, 1910, being Chapter 50 of Acts of 1910, entitled "An act to amend an act entitled 'An act for the government of cities of the second class in Commonwealth of Kentucky,' which was approved March 19, 1894, and thereafter in the course became a law, and as same has since been amended, all of which said Act and amendments now appear as Article 3 of Chapter 89, Kentucky Statutes,' John D. Carroll's Edition thereof in 1909."

To Committee on Municipalities.

By Mr. Hall:

H. B. 253. An act to amend Section 203 of the Criminal Code of Practice, relating to challenging of jurors in felony cases.

To Committee on Codes of Practice.

By Mr. Hamilton:

H. B. 254. An act to establish and create a commission to investigate the system of revenue and taxation in force in this State, and recommend a plan for the revision and reform thereof, and to define the power and duties of this com-

mission, and to make an appropriation to carry out its provisions.

To Committee on Revenue and Taxation.

By same:

H. B. 255. An act to authorize fiscal courts to provide for the completion of any incomplete sets of the edition of the Kentucky Reports of the decisions of Kentucky Court of Appeals in the various county offices.

To Committee on County and City Courts.

By same:

H. B. 256. An act to regulate and provide the fees that sheriffs, constables, coroners, marshals and policemen shall receive for summoning witnesses to appear before the grand juries.

To Committee on Circuit Courts.

By same:

H. B. 257. An act to provide for the State officials registering on the day of an election.

To Committee on Suffrage and Elections.

By same:

H. B. 258. An act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for Colored Persons.

To Committee on State University and Normal Schools.

By same:

H. B. 259. An act to amend subsection 6, Section 3797, Chapter 97, Kentucky Statutes, entitled "Penitentiaries."

To Committee on State Prisons and Houses of Reform.

By Mr. Burton:

H. B. 260. An act to prohibit the dissemination by advertisement or otherwise of information concerning certain diseases.

To Committee on Public Health.

By Mr. Watkins:

H. B. 261. An act to pay jurors on the reserved list for their attendance at the circuit court.

To Committee on Circuit Courts.

By same:

H. B. 262. An act to give teachers in the public schools credit for attendance at the County Institutes.

To Committee on Education No. 1.

By Mr. Niles:

H. B. 263. An act to permit regular practicing physicians to fill prescriptions of their own or other physicians in towns having not more than 500 population.

To Committee on Public Health.

By Mr. Atherton:

H. B. 264. An act to abolish the present fiscal court of counties containing a city of the first class, and substituting therefor a fiscal court composed of the County Judge and a County Commission of three members to be elected from the county at large.

To Committee on Kentucky Statutes.

By Mr. W. A. Perry:

H. B. 265. An act to amend and re-enact certain sections of the tenement house law of March 21, 1910.

To Committee on Municipalities.

By same:

H. B. 266. An act to amend and re-enact Section 2809, Kentucky Statutes.

To Committee on Municipalities.

By Mr. Emanual Meyer:

H. B. 267. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled "An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised," and as further amended by Act approved March 23, 1910.

To Committee on Juvenile Courts and Children's Homes.

By Mr. Robertson:

H. B. 268. An act to provide for the assessment and the collection of a specific tax upon the class of credits founded upon and evidenced by mortgages and liens upon real property and repeal all Acts and parts of Acts in contravention thereto.

To Committee on Revenue and Taxation.

By same.

H. B. 269. An act to amend an act entitled "An act for the benefit of the Kentucky Home Society for colored children, approved March 19, 1910.

To Committee on Juvenile Courts and Children's Home.

By same:

H. B. 270. An act to provide for the licensing of architects and regulating the practice of architects as a profession and appointment of a State Board of Examiners of Architects.

To Committee on Judiciary.

By Mr. Kirk:

H. B. 271. An act to change the time of holding courts in the 24th Judicial District.

To Committee on Circuit Courts.

By same:

H. B. 272. An act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor on public roads and bridges.

To Committee on Constitutional Amendments.

By Same:

H. B. 273. An act to amend and re-enact Section 745, Carroll's Code, 1906 Edition.

To Committee on Codes of Practice.

By Mr. Price:

H. B. 274. An act to amend an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky which was approved and became a law March 19, 1894, Chapter 100, Acts 1894, as same has been since amended.

To Committee on Municipalities.

By same:

H. B. 275. An act to amend an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky which was approved and became a law March 19, 1894, Chapter 100 of the Acts of 1894, as the same has been since amended.

To Committee on Municipalities.

By same:

H. B. 276. An act to amend an act entitled an act for

the government of cities of the second class in the Commonwealth of Kentucky which was approved and became a law March 19, 1894, Chapter 100 of the Acts of 1894, as the same has been since amended.

To Committee on Municipalities.

By same:

H. B. 277. An act to amend an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved and became a law March 19, 1894, Chapter 100, Acts 1894, as same has been since amended.

To Committee on Municipalities.

By Mr. E. B. Thompson:

H. B. 278. An act to repeal Section 2569a, of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By same:

H. B. 279. An act to amend Chapter 89, Kentucky Statutes, Carroll's edition, 1909, relating to municipal corporations and adding thereto Section 3687a.

To Committee on Cities of the Fifth and Sixth Class.

By Mr. W. V. Perry:

H. B. 280. An act entitled an act to establish in the dark tobacco belt an agricultural station and appropriating funds therefor.

To Committee on Agriculture.

By same:

H. B. 281. An act to confiscate and destroy spirituous, vinous and malt liquors in local option territories.

To Committee on County Unit and Public Morals.

By same:

H. B. 282. An act to amend an act entitled "An act to amend an act entitled 'An act to amend Section 4315, Kentucky Statutes, in Chapter 110 of Kentucky Statutes, approved March 24, 1908.' "

To Committee on Kentucky Statutes.

By Mr. Scott:

H. B. 283. An act providing for the participation of the Commonwealth of Kentucky in the Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in-Bay Island, Ohio, in the year 1913, in commemoration of the one hundreth anniversary of the battle of Lake Erie and of General William Henry Harrison's Northwestern campaign in the war of 1812 and the one hundredth anniversary of the battle of the Thames, in conjunction with the national government and the States of Ohio, Pennsylvania, Michigan, Rhode Island, Minnesota, Indiana and Louisiana, and making an appropriation therefor.

To Committee on Public Monuments and Historical Records.

By Mr. Gray:

H. B. 284. An act to amend an act entitled an act to regulate the racing of running horses in the Commonwealth of Kentucky and to establish a State Racing Commission, and prescribing its powers and duties, approved March 23, 1906.

To Committee on Racing Commission.

By Mr. Wallance Brown:

H. B. 285. An act to make more certain the rights of domestic life insurance companies, to maintain their chief office in any county of this State.

To Committee on Insurance—Life and Accident.

By Mr. Keller:

H. B. 286. An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof.

To Committee on Judiciary.

By Mr. John W. Holland:

H. B. 287. An act to create a telegraph and telephone Utility Commission, to define its powers and duties, to provide for its expenses.

To Committee on Judiciary.

By same:

H. B. 288. An act fixing a license tax on the mining of coal in this Commonwealth.

To Committee on Mines and Mining.

By Mr. V. D. Hammond:

H. B. 289. An act to amend Chapter 113, Article 6a,r Carroll's Kentucky Statutes, 1909 (Act of March, 1908, page 133), Districts, Trustees, Teachers, Taxation.

To Committee on Education No. 1.

By Mr. Drury:

H. B. 290. An act relating to the carrying of concealed deadly weapons.

To Committee on Criminal Law.

By same:

H. B. 291. An act relating to trusts in equity and regulating and practice thereof.

To Committee on Circuit Courts.

By same:

H. B. 292. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains and the straightening, widening or otherwise improving public levees, ditches, trains, creeks or non-navigable streams, prescribing the method of procedure, the assessment and collection of the costs and expense thereof, creating and incorporating boards of drainage commissioners, and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

To Committee on Public Ditches and Fences.

By D. W. Wiley:

H. B. 293. An act providing for the establishment of a stone quarry as part of the public works of the Commonwealth, providing for the working of convicts therein and making an appropriation therefor.

To Committee on Public Roads and Highways.

By Mr. Schoberth:

H. B. 294. An act providing for interchange and transmission of messages between telephone companies.

To Committee on Public Utilities.

By same:

H. B. 295. An act to appropriate $75,000.00 for erecting a hospital at the State Reformatory, Frankfort.

To Committee on State Prisons and Houses of Reform.

By Mr. Matthews:

H. B. 296. An act to prohibit the standing of male animals in any county other than where the same are licensed and to provide penalty for so doing.

To Committee on Agriculture.

By Mr. Wilson:

H. B. 297. An act to provide a system for the assessment, levy and collection of taxes in towns of the sixth class.

To Committee on Kentucky Statutes.

By same:

H. B. 298. An act to amend Subsection 15 of Section 4636c of Chapter 128 of Carroll's Kentucky Statutes, entitled "State University."

To Committee on State University and Normal Schools.

By Mr. Douglas:

H. B. 299. An act to amend an act entitled "An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth, which became a law March 16, 1910."

To Committee on State Prisons and Houses of Reform.

A message was received from the Governor as follows, viz.:

Executive Department,

Frankfort, Jany. 22, 1912.

To the House of Representatives of Kentucky:

I transmit for the information of the House of Representatives the report of the Secretary-Treasurer of the Kentucky State Historical Society for the years 1910-11.

JAMES B. MCCREARY,
Governor.

Said report is as follows, viz.:

Report of the Secretary-Treasurer of the Kentucky State Historical Society—Receipts and Expenditures for Fiscal Year Ending June 30th, 1910:

REPORT OF SECRETARY-TREASURER.

Frankfort, Ky., June 30th, 1910.

To the Honorable Executive Committee of the Kentucky State Historical Society, and the Honorable Senate and House of Representatives of the Legislature of Kentucky:

In compliance with the law, I have the honor to submit the following report of money received, and expenditures made by the Kentucky State Historical Society for the fiscal year ending June 30, 1910.

Very respectfully,
MRS. JENNIE C. MORTON,
Sec'y-Treas. Kentucky State Historical Society.

REPORT OF SECRETARY-TREASURER.

RECEIPTS AND EXPENDITURES FROM JULY 1ST, 1909, TO DECEMBER 31ST, 1909.

RECEIPTS.

1909.				
July	1	Cash Balance State National Bank.....		$2,833.03
"	1	Cash balance Farmers National Bank.....		2,000.00
"	6	W. E. Railey, Memb. Fee.....	$1.00	
"	6	For one Register	.25	
"	6	Harry Bailey, Sub. to Register one year...	1.00	
"	8	Mrs. Miles, Memb. Fee	1.00	

July	9	Public Library of Lexington, Register for one year	$1.00	
"	21	James French, Sub. to Register.....	1.00	
				$5.25
Aug.	2	W. Slaughter, Memb. Fee	$1.00	
"	11	H. M. Williamson, Portland, Ore., For Register two years	2.00	
"	16	Mrs. A. B. Looscan, Houston, Tex., for Register one year	1.00	
"	20	Mrs. Lavina Herndon Morgan, Memb. Fee	2.00	
"	20	A gift to the Society	1.00	
				7.00
Sept.	4	Miss Mary Scott Chinn, Register for one year	$1.00	
"	4	For Register	.50	
"	4	H. M. Williamson, Register for one year...	2.00	
"	18	Mrs. Lister Witherspoon, Register for one year	1.00	
"	18	For Register	1.00	
"	21	Miss Jessie Hopkins, Register for Carnegie Library one year	1.00	
"	22	Mrs. N. V. Witherspoon, For Register.....	1.00	
				7.50
Oct.	1	Robert T. Gentry, two Registers .....$	.50	
"	6	Check in Farmers Bank	1,000.00	
"	7	Mrs. N. L. Atkinson, Boston, Mass., Register for one year	1.00	
"	23	H. B. Mackoy, Sub. to Register.....	1.00	
"	23	Mrs. Keys, Seattle, Wash., for Register...	.25	
"	22	Returned to Society by C. E. Collins.....	.45	
				1,003.20
Nov.	1	H. B. Mackoy, Memb. Fee .....$	2.00	
"	15	To the Society	2.00	
"	23	Chas. T. Dearing, for Register one year, for Louisville Free Public Library.....	1.00	
				5.00

Dec.	1	Sale of Catalogue	$ .25
"	2	State Warrant	5,000.00
"	3	For Hist. Soc., due from W. W. Longmoor.	24.95
"	6	T. E. Grove, Register, for 1910.....	1.00
"	6	W. W. McCullum, Register for 1910.....	1.00
"	9	Mrs. Belle Mitchell Rogers, Memb. Fee....	1.00
"	13	Mrs. Elizabeth Porter, Register for 1910...	1.00
"	16	M. J. Campbell, 20th Century Agency for Register for Cincinnati Public Library...	1.00
"	16	W. W. McCullum, for Register	.50
			$5,030.70

EXPENDITURES.

1909.

July	1	To Z. F. Smith, proof reading.....	$ 20.00
"	1	To Miss Sally Jackson, Librarian.....	30.00
"	1	To W. W. Longmoor, Curator	25.00
"	1	To J. Middleton, Janitor.....	20.00
"	1	To Secretary-Treas., annual salary	1,200.00
"	1	To Globe Printing Co., for 500 copies of May Register	134.75
"	1	To John W. Townsend, article for the Register	25.00
"	1	To typewriting during the month of June..	4.00
"	1	To H. A. Gretter, Photos for Hist. Soc....	2.30
"	8	To W. W. Stephenson, article for Register.	25.00
"	8	To Telephone Co., for month of June, Hist. Soc. and Long Distance	3.70
"	16	To three volumes of Heads of Families Census of 1790, Pa., Md., Va.....	3.00
"	22	To J. W. Shackelford, for Hist. Soc.....	1.50
"	23	Due Treasurer from Sundries, for Hist. Soc., in June	4.00
"	24	To J. Shackelford, for Hist. Soc.....	1.50
"	23	To the American National Bank, for "The South in the Building of the Nation," Two Vols., Richmond, Va.	10.00
"	26	To Mrs. Smith, Article for Register.....	20.00
"	29	To J. Middleton, salary and extra work, for State Hist. Soc.	25.00

July	31	To Forest Moore, Service to Hist. Soc.	$4.00	
				$1,558.75
Aug.	2	To Miss Sally Jackson, Librarian.....	$30.00	
"	2	To W. W. Longmoor, Curator.....	25.00	
"	2	To Mrs. Annie E. Miles, for assistance in Historical rooms	1.00	
"	2	To Secretary-Treas., for advancing payment for sundries for Hist. Soc. in July.....	8.20	
"	2	To typewriting for Hist. Soc.....	4.00	
"	2	To Miss Amy Lyons, for rosewood table for Hist. Soc., by order of Executive Committee	25.00	
"	3	To H. G. Mattern, for pictures for Register	2.00	
"	9	To State Journal, for advertisement.....	2.50	
"	10	To Frankfort Telephone Co., July acct. for Hist Soc.	1.85	
"	11	To Postmaster, Stamps for Hist. Soc.....	5.00	
"	18	To Forest Moore, on account	5.00	
"	22	To Postmaster, stamps for Hist. Soc.....	5.00	
"	23	To W. W. Longmoor, Curator, expenses for State Hist. Soc.	100.00	
				214.55
Sept.	1	To Miss Sally Jackson, Librarian	$ 30.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Forest Moore	15.00	
"	1	To Mrs. Mary C. Haycraft, Typewriting..	1.00	
"	3	To American Hist. Asso., for Magazine...	3.00	
"	7	To J. W. Shackelford, for service in moving to New Capitol	4.50	
"	9	To Frankfort Tel. Co.	1.25	
"	10	To Globe Printing Co., for Catalogue....	85.50	
"	11	To Mrs. Annie E. Miles, for service to Kentucky Hist. Soc.	4.50	
"	14	To Mrs. Sallie Kent, for service to Kentucky Hist. Soc.	5.00	
"	15	To Herbert C. Tomlinson & Co., Chicago, Ill., Acct. in full for books for Hist. Soc..	145.00	
"	22	To Frankfort Transfer Co., for moving the property of Kentucky State Hist. Soc., to		

		New Capitol	$25.00	
Sept.	22	To Mrs. Morton, for money paid out for sundries for State Hist. Soc., in moving to New Capitol	4.25	
"	24	To W. C. Lutkemeier, for curtain for Hist. Soc.	2.50	
"	24	To Thos. K. Robb, for hauling for Kentucky State Hist. Soc., to New Capitol....	9.75	
"	27	To Treas. Mrs. Morton, for loan Forest Moore, Janitor, on Acct.	5.00	
"	29	To H. V. McChesney, for proof-reading the Register and report of Sec.-Treas. Kentucky State Hist. Soc.	25.00	
"	30	To W. W. Stephenson, for the repair and erection of the Gov. Slaughter monument at Harrodsburg, as per agreement of the Executive Committee of Kentucky State Hist. Soc.	100.00	
				$491.25
Oct.	1	To Miss Sally Jackson, Librarian.....	$ 30.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To Forest Moore, Janitor	15.00	
"	1	To W. T. Reading & Son, for supplies of Kentucky State Hist. Soc.....	7.85	
"	5	To Frankfort Printing Co., for publishing 300 copies of Register for September....	180.00	
"	5	To J. W. Shackelford, for moving pictures etc., to New Capitol for Hist. Soc.....	34.50	
"	6	To Ohio Valley Hist. Association, Dues for 1909-1910	5.00	
"	11	To T. N. Lindsay, Louisville, for boxing frame, etc., Gov. J. J. Crittenden's Portrait	13.50	
"	11	To Telephone Company	1.15	
"	11	To P. M. Postage for Hist. Soc.....	5.00	
"	11	To Treasurer, money paid out for Hist. Soc.	4.30	
"	11	To O. G. Wall, for "Recollections of the Sioux Massacre" for Hist. Soc.	1.50	
"	14	To Kentucky State Journal, for printing annual reports	25.00	

Oct.	19	To C. E. Collins, for hardware articles for Hist. Soc., moving to Capitol	$ 6.45	
"	29	To E. B. Weitzel, Capital Hotel.....	205.35	
"	29	To Frankfort Orchestra	30.00	
"	16	To Durbar Rowland	48.70	
"	16	To F. W. Turner	28.50	
"	16	To Chas. W. Kent	90.00	
				$756.80
Nov.	1	To Miss Sally Jackson, Librarian	$ 30.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Forest Moore, Janitor	10.00	
"	1	To twpewriting, for Kentucky State Hist. Soc.	6.75	
"	1	To Mrs. Annie Miles for service in Hist. Rooms	6.00	
"	1	To Geo. H. Stehlin, for supplies.....	16.50	
"	2	To R. Rogers & Sons, for screws, picture hooks and wire for Hist. Soc.....	3.35	
"	2	To W. S. Farmer & Son, for rug for Hist. Soc.	4.00	
"	3	To Southern Publication Soc., for two books, Nos. 8, 9	10.00	
"	3	To J. W. Shackelford, for service to Hist. Soc.	19.00	
"	4	To Secretary, for sundries for Hist. Soc...	6.90	
"	5	To Thomas Robb, for moving Gov. Shelby's portrait to New Capitol	2.50	
"	15	To Miss Sally Jackson, for money paid out to servants at work in Hist. rooms from 8th to 14th of November.....	3.15	
"	15	To Mrs. Margaret Worthington, Annapolis, Md., for portrait of Pres. Zachary Taylor	500.00	
"	12	To W. C. Hundleigh, Artist, for cleaning and restoring portraits in Hist. rooms...	56.55	
"	17	To Globe Printing Company, for supplies of Hist. Soc.	12.25	
"	23	To Kentucky State Journal, for printing cards for Portraits	8.00	
"	23	To P. M. for stamps for Hist. Soc.....	10.00	

Nov.	29	To Globe Printing Co., binding Register for 1909	$2.00	
				$731.95
Dec.	1	To Miss Sally Jackson, Librarian.....	$ 30.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To Forest Moore, Janitor	20.00	
"	1	Typewriting for Hist. Soc.....	3.50	
"	1	To Ferdinand G. Walker, for portrait of Gov. J. J. Crittenden	100.00	
"	1	To Bridgeford, for cleaning and varnishing bookcase for Hist. Soc.	2.50	
"	1	To T. J. Grove, for portrait of Gov. Leslie	100.00	
"	4	To H. A. Gretter, for picture frames for State Hist. Soc.	3.20	
"	6	To sundries for Hist. Soc. in moving.....	5.00	
"	7	To Nicola Marschal, for portrait of Danial Boone, and frame for portrait of Hon. James McKenzie	137.50	
"	7	To Thos. K. Robb, for moving the large pictures of Independence Hall, Gen. LaFayette, George Washington, President Harrison, Henry Clay from Old to New Capitol	17.50	
"	7	To Forest Moore, on his salary.....	5.00	
"	7	To Frankfort Tel. Co., for November.....	1.25	
"	9	To East Tenn. Tel. Co., for Oct. and Nov...	4.15	
"	13	To State Journal, for printing programs of the Ohio Valley Hist. Association in Frankfort, 14, 15, 16, Oct.....	91.00	
"	13	To Marin Hoyt Co., Atlanta, Ga., for books of Southern Literature	32.00	
"	16	To H. V. McChesney, for reading proof of Register and for Hist. Soc.....	50.00	
"	18	To money paid out for sundries, in new rooms of Hist. Soc., as shown by vouchers	5.40	
"	22	To Frankfort Printing Co., for Jan. Register, 1910, ...	189.50	
"	23	To Forest Moore, Janitor	10.00	
"	23	To Mr. Wright, two weeks' service in Hist. rooms	10.00	

Dec.	23	To J. R. Sower Hdw. Co., for plate glass window in Historical Rooms	$12.65	
"	25	To Southern Pub. Co., for Vols. 11 and 12, of "The South in the Building of the Nation"	10.00	
				$865.15

RECAPITULATION.

Cash balance July 1st, 1909, State National Bank....	$2,833.03	
Total receipts July 1st to December 31st, 1909.....	6,058.65	
Total expenditures July 1st. to December 31st, 1909...		$4,618.45
Cash on deposit December 31st, 1909, State National Bank		$4,273.23
	$8,891.68	$8,891.68
Cash on Deposit December 31st, 1909, State National Bank		$4,273.23
Cash on Deposit December 31st, 1909, Farmers Bank..		1,000.00
Total cash balance December 31st, 1909.....		$5,273.23

Report of the Secretary-Treasurer of the Kentucky State Historical Society:

RECEIPTS AND EXPENDITURES FROM JANUARY 1ST, 1910, TO JUNE 30, 1910.

RECEIPTS.

1910.			
Jan.	1	Mrs. Morton, Memb. Fee	$1.00
"	1	Frank Chinn, Memb. Fee	1.00
"	10	Col. B. G. Slaughter, Winchester, Tenn., Memb. Fee	1.00
"	10	G. E. Stechert, N. Y., for Register 1 year...	1.00
"	11	F. A. Richardson, Denver, Col., for Register, 1910-1911	2.00

Jan.	17	Mrs. Sidney Van Wyck, 1944 Webster St., San Francisco, Cal., for Register, 1 year ..	$1.00	
"	17	Mrs. Sidney Montgomery, for Register 1 year	1.00	
"	18	Miss Lucy C. Lee, Memb. Dues	1.00	
"	25	Sale of Registers	.25	
"	28	Sale of Registers	1.00	
				$10.25
Feb.	1	W. A. Haycraft, for Register one year.....$	1.00	
"	1	Mrs. Mary E. Giltner, Covington, Ky., for Register one year	1.00	
"	2	Lewis H. Jones, Louisville, Ky., Memb. Fee	2.00	
"	3	R. T. Durrett, Memb. Fee	1.00	
"	3	W. W. Stephenson, for Register.....	1.00	
"	4	Mrs. John A. Walker, Brownwood, Tex., for Register one year	1.00	
"	4	Mrs. J. S. Pogue, Mayslick, Ky., for Register one year	1.00	
"	5	W. W. Longmoor, Memb. Fee.....	1.00	
"	7	Col. Bennett H. Young, Memb. Fee.....	1.00	
"	11	Sale of Registers	.25	
"	21	Sale of Registers	.50	
"	21	Col. N. W. Casey, Kansas City, Register one year	1.00	
				11.75
Mch.	1	Miss Katherine Pettitt	$ 1.00	
"	9	Sale of Registers	.50	
"	16	Sale of Registers	.25	
"	16	Sale of Registers	.50	
"	23	Miss Mary Scrugham, Memb. Fee.....	2.00	
"	26	Mrs. Judith L. Marshall, Memb. Fee.....	1.00	
"	26	Rev. Egbert W. Smith, Louisville, Ky., Sub. to Register one year.....	1.00	
"	26	Raliegh W. Chinn, Denver, Col., Sub. to Register one year	1.00	
"	28	Mrs. J. M. Arnold, Covington, Ky., Memb. Fee	2.00	
				9.25

Apr.	1	Sale of Register	$ .25	
"	4	Mrs. N. W. Stephens, Cincinnati, Ohio, Sub. for Register one year	1.00	
"	4	M. C. Holifield, Mayfield, Ky., Memb. Fee	2.00	
"	4	Mrs. Annie H. Miles, Memb. Fee.....	1.00	
"	26	Mrs. Henry D. McHenry, Sub. to Register..	1.00	
				$5.25
May	4	J. Sutton Wall, Sub. renewed to Register.	$ 1.00	
"	6	Mrs. Geo. T. Barbour, Maysville Hist. Soc., Sub. renewed to Register	1.00	
"	6	T. E. Pickett, Sub. renewed for one year..	1.00	
"	9	Mrs. Susan Hart Shelby, Register for one year	1.00	
"	12	Mrs. Thos. Courtenay, Louisville, Ky., Register for one year	1.00	
"	30	Miss Evelyn Price, Harrodsburg, Hist. Soc., for membership dues of 12 members of this Society	12.00	
"	30	For sale of Catalogues	.35	
				17.35
June	1	For sale of Catalogues	$ .10	
"	1	Miss Rebecca Averill, Memb. Fee.....	1.00	
"	7	Mrs. Lula B. Longmoor, Memb. Fee.....	1.00	
"	29	For Sale of Catalogue	.25	
"	29	To Society	1.00	
				3.35

EXPENDITURES.

1910.			
Jan.	1	To Miss Sally Jackson	$ 30.00
"	1	To W. W. Longmoor	25.00
"	1	To Mrs. A. B. Rue, Artist, Harrodsburg, Ky. for portrait of Governor Magoffin.....	100.00
"	1	To Forest Moore, Janitor	5.00
"	1	To Mr. Wright, Service in Hist. Soc.....	5.00
"	1	To Mr. Jno. W. Townsend for "Kentucky, Mother of Governors," for the Register.....	50.00

Jan.	4	To secretary for money paid out for Hist. Soc.	$ 3.00	
"	4	To T. N. Lindsey, Louisville, Ky., for frame etc., for Gov. Leslie's Portrait	8.50	
"	8	To F. & J. Heeney, for boxes and materials in moving to New Capitol	4.30	
"	8	To Thos. K. Robb, for moving two large desks from Old to New Capitol	5.00	
"	8	To East Tenn. Tel. Co., for Dec. for Hist. Rooms	2.75	
"	8	To C. F. Brower & Co., Lexington, Ky., for upholstering 5 chairs for Hist. Soc.....	34.00	
"	12	To C. E. Collins, for hardware for Hist. Society	3.97	
"	14	To J. R. Sower Hdw. Co., for articles for Hist. Soc.	2.10	
"	14	To Mrs. D. B. Walcutt—For Century, Scribner & Review of Reviews for Hist. Soc...	8.65	
"	17	To Capital Lumber Co., for shelving for Hist. Rooms	1.25	
"	17	To Geo. Barnes, P. M., for postage stamps	10.00	
"	18	To Globe Printing Co., for Catalogues for State Hist. Soc., and express charges	34.40	
"	19	For History of Assembly that met in Edinburgh, Aug. 19, 1643, and list of Divines that met in Westminster, 1647	10.00	
"	20	To Frankfort Tel. Co., for Hist. Soc.....	1.25	
"	25	To W. W. Longmoor, for expenses for Hist. Soc. . . , ...	100.00	
"	27	To money paid for various demands of Hist. Soc. (se voucher)	8.65	
				$452.82
Feb.	1	To Miss Sally Jackson, Librarian .....$	30.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Forest Moore, Janitor	25.00	
"	1	To Mr. Wright, for services in Hist. Rooms	25.00	
"	1	To Mrs. M. C. Haycraft, typewriting for Hist. Soc.	6.95	
"	1	To Jno. W. Townsend, Article for Register	15.00	

Feb.	2	To Frankfort Printing Co., Envelopes and Letter Heads, for Kentucky State Hist. Soc.	$7.25	
"	7	To the American Journal of History, subscription one year	3.00	
"	11	To Jno. Joy Edson, Nat. Geo. Magazine, Sub. one year	2.00	
"	11	To Frankfort Transfer Co., charges for Gen. Taylor's Portrait	4.51	
"	14	To Frankfort Tel. Co., bill for January. . . .	1.85	
"	16	To Globe Printing Co., Globe Seals for Hist. Soc.	1.83	
"	18	To expenses for Soc., laundry, expressage, etc.	2.25	
"	21	To East Tenn. Tel. Co., for Hist. Soc.	2.75	
"	22	To Forest Moore, on account	15.00	
"	24	To Z. F. Smith, for article for Register. . . .	20.00	
				$187.39

Mch.	1	To Miss Sally Jackson, Librarian	$ 30.00
"	1	To W. W. Longmoor, Curator.	25.00
"	1	To Forest Moore, Janitor	10.00
"	1	To Mr. Wright, for services in February. . .	25.00
"	1	To Mrs. Mary Haycraft, typewriting.	3.75
"	8	To Frankfort Tel. Co., for Hist. Rooms. . . .	1.40
"	9	To East Tenn. Tel. Co., for Hist. Rooms. . .	2.75
"	14	To H. A. Gretter, Photos for Hist. So.	5.00
"	13	To Frankfort News Co., Paper for Hist. Soc., one year	3.00
"	22	To Mr. Wright, services from 1st to 15th March	12.50
"	23	To Frederick G. Walker, restoring Pres. Zachary Taylor's Portrait	25.00
"	24	To Chas. Childs (Col.) for cleaning and hanging paintings in Hist. Rooms.	3.50
"	31	To R. Rogers & Sons, to glass and repair frame	2.50
"	31	To R. Rogers & Sons, chair $8.50, chair $12.50	21.00
"	31	To R. Rogers & Sons, 4 chairs @ $4.50.	18.00
"	31	To R. Rogers & Sons, table.	25.00

Mar.	31	To R. Rogers & Sons, Linoleum.....	$185.00	
				$398.40
Apr.	1	To Miss Sally Jackson, Librarian	$ 30.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Forest Moore, Janitor	25.00	
"	1	To typewriting	5.75	
"	1	To Secretary-Treas., money paid out for Hist. Soc.	3.85	
"	2	Sec.-Treas., personal check given W. B. Jenkins, contractor, for covers for reports State Hist. Soc., delivered to Continental Printing Co.	12.28	
"	2	To Mr. Bidwell and Mrs. Ellwanger, for Capitol souvenirs for Hist. Soc.....	30.00	
"	7	To Kentucky State Journal, Feb. 4th, 1910, to Feb. 4th, 1911	4.00	
"	7	To Mr. Wright, work in Hist. Rooms.....	2.40	
"	8	To Frankfort Tel. Co.....	1.25	
"	9	To Frankfort Printing Co., 500 labels.....	2.25	
"	9	To P. M., stamps for Hist. Soc.....	10.00	
"	14	To the Martin & Hoyt Co., for Soc. Literature	12.00	
"	14	To C. E. Collins, for wire and screw eyes for Hist. Soc.	1.70	
"	18	To Secretary, American Hist. Association, Washington, D. C.	2.00	
"	18	To H. V. McChesney, for reading proof for Hist. Soc.	25.00	
"	23	To Frankfort Printing Co., reports of Ohio Valley Hist. Soc. and Register.....	308.55	
"	25	To Martin & Hoyt Co., Atlanta, Ga., for books, 13 vol. Soc. Literature.....	4.00	
"	25	To Guy Barrett, for books, "The Lewis Family in America."	2.75	
"	25	To Boston Book Co., for advertisement....	1.00	
				508.78
May	2	To Miss Sally Jackson, Librarian.....	$ 40.00	
"	2	To W. W. Longmoor, Curator	25.00	
"	2	To Forest Moore, Janitor	25.00	

May	2	To typewriting	$1.25	
"	2	To Sec.-Treas. for money advanced for sundries for Hist. Soc.	3.75	
"	5	To Frankfort Printing Co., for labels for Hist. Soc.	2.00	
"	7	To East Tenn. Tel. Co., for Hist. Soc. for April and May	5.50	
"	11	To H. A. Gretter, for picture of Joel T. Hart for Register	1.25	
"	11	To Geo. A. Lewis, for 4 Capitol Souvenirs, for Hist. Soc.	1.00	
"	11	To Frankfort Tel. Co., Tel. in Hist. Rooms	1.55	
"	19	To W. J. Giddings, Washington, D. C., for 5 Grass Rugs for Hist. Rooms	22.50	
				$128.75
June	1	To Miss Sally Jackson	$ 40.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	Forest Moore	25.00	
"	1	To Martin & Hoyt Co.	4.00	
"	1	To typewriting	7.00	
"	7	To Frankfort Transfer Co., for freight on rugs from Washington, D. C.	1.40	
"	13	To Miss Sally Jackson, for money paid out for cleaning Hist. Rooms	2.00	
"	14	To John Wilson Townsend, for articles for Register	25.00	
"	15	To Frankfort Tel. Co.	1.40	
"	15	To East Tenn. Tel. Co.	2.75	
"	15	To Thos. K. Robb, for hauling books and boxes for Hist. Soc. from Old Capitol	1.50	
"	23	To John W. Townsend, for a history	3.00	
"	25	To incidental expenses for May and June for Hist. Society	5.65	
				143.70

RECAPITULATION.

Cash balance January 1st, 1910, State National Bank	$4,273.23
Total receipts January 1st to June 30th, 1910	57.20

Total expenditures January 1st to June 30th, 1910.....		$1,819.84
Cash on deposit July 1st, 1910, State National Bank..	$2,510.59	
	$4,330.43	$4,330.43
Cash on deposit July 1st, 1910, State National Bank..	$2,510.59	
Cash on deposit July 1st, 1910, Farmers Bank.....	1,000.00	
Total cash balance July 1st, 1910.....	$3,510.59	

Examined and approved,

A. E. WILLSON, Governor of Kentucky.
W. W. LONGMOOR, Curator.

MRS. JENNIE C. MORTON,
Sec.-Treas. Kentucky State Historical Society.

Report of the Secretary-Treasurer of the Kentucky State Historical Society—Receipts and Expenditures for the Fiscal year ending June 30, 1911:

REPORT OF THE SECRETARY-TREASURER.

Frankfort, Ky., June 30, 1911.

To the Honorable Executive Committee of the Kentucky State Historical Society, and

To the Honorable Senate and House of Representatives of the Legislature of Kentucky:

In compliance with the law I have the honor to submit the following report of moneys received and expenditures made by the Kentucky State Historical Society for the Fiscal Year ending June 30th, 1911.

Very respectlfully,
MRS. JENNIE C. MORTON,
Sec'y-Treas. Kentucky State Historical Society.

RECEIPTS AND EXPENDITURES FROM JULY 1, 1910, to DECEMBER 31, 1911.

RECEIPTS.

1910				
July	1	Miss Sally Jackson	$ 1.00	
"	1	Sale of Registers	.25	
"	1	Sale of Registers	.25	
"	2	Mr. Banks Durrett, Membership Fee	1.00	
"	2	To Society	1.00	
"	5	Check on Farmers Bank	1,000.00	
"	27	Miss Evelyn Price, Harrodsburg, Ky., Membership Fee	1.00	
"	27	Mrs. Rosa, Berwick, Pa., Membership Fee.	1.00	
"	27	Mrs. R. K. Hoeflich, Maysville, Ky., Membership Fee	1.00	
"	27	Mrs. J. Foster Barbour, Maysville, Ky., Membership Fee	1.00	
				$1,007.50
Aug.	8	Annual appropriation	$5,000.00	
"	8	Mrs. Charles Pearce, Membership Fee	1.00	
"	9	Mr. Winslow Ball, Maysville, Ky., Membership Fee	1.00	
"	19	William E. Railey, Membership Fee	1.00	
"	19	Geo. Baber, Washington, D. C., Sub. to Register	1.00	
"	24	Mrs. Wm. H. Cox, Membership Fee	1.00	
"	27	Sale of Registers	1.00	
				5,006.00
Sept.	1	Mrs. D. M. Hutton, Membership Fee	$ 1.00	
"	1	J. A. Galloway, Sub. to Register	1.00	
"	7	Mrs. Robert Harding, Danville, Ky., Sub. to Register	1.00	
"	8	A. C. Quisenberry, Hyattsville, Md., Sub. to Register	1.00	
"	8	Z. F. Smith, Louisville, Ky., Membership Fee	1.00	

Sept.	8	Mrs. J. G. Wadsworth, Maysville, Ky., Membership Fee	$1.00	
"	8	Miss Hattie Morton, Register.	1.00	
"	10	Mrs. Henry Crittenden, Greenville, Miss., Register two years	2.00	
"	10	A. C. Quisenberry, Membership.	2.00	
"	27	Miss Martha Stephenson, Register	1.25	
				$12.25
Oct.	1	Charles Grubbs, Kenyon Bldg., Louisville, Ky., Subscription to Register and Membership Fee	$ 2.00	
"	6	Jno. J. Cook, Washington, D. C., Sub. to Register	1.00	
"	6	Watson Taylor, Sub. to Register	1.00	
"	6	Mrs. J. Jones, Washington, D. C., Sub. to Register	1.00	
"	8	Sale of Registers	.25	
"	10	Lewis Casey, Lawrenceburg, Ky., Sub. to Register	1.00	
"	10	Henderson Public Library, Sub. to Register	1.00	
"	14	Sale of Registers	1.00	
"	18	Judge Sam'l Wilson, Lexington, Ky., Membership Fee	2.00	
"	19	Mrs. Jouett James, Membership Dues	1.00	
"	19	P. Fall Taylor, Membership Dues.	1.00	
"	19	Sale of Registers	.25	
"	28	Mrs. W. P. Adams, Valley Station, Ky., Membership Fee	2.00	
"	28	Sale of Registers	1.00	
"	28	Mrs. W. S. Giltner, Sub. to Register.	1.00	
"	29	Mrs. Sam. Mason, Sub. to Register.	1.00	
				17.50
Nov.	4	Mrs. Alice LaRue Eberhardt, Membership Fee	$ 2.00	
"	7	Louisville Free Pub. Library, Sub. to Register	1.00	
"	18	For Boos Register	3.50	

Nov.	26	Dr. Holloway, Membership Fee	$2.00	
				$8.50
Dec.	7	L. J. Crawford, Membership Fee.....	$2.00	
"	9	Mrs. Malcolm Thompson, Lexington, Ky., Sub. to Register	1.00	
"	12	Mrs. L. L. Alexander, Shreveport, La., Sub. to Register	1.00	
"	16	James S. Pogue, Mayslick, Ky., Sub. to Register	1.00	
"	17	Check on Farmers Bank	825.00	
"	19	M. J. Campbell, Sub. to Register	1.00	
"	19	Public Library, Sub. to Register.....	1.00	
"	19	R. S. Cotterill, Winchester, Ky.....	2.00	
				834.00
"	26	St. Louis News Co., 75c. in stamps which are used for Register by order of the Ex. Com. without charge.		

EXPENDITURES.

1910.			
July	1	To Miss Sallie Jackson, Librarian.....	$40.00
"	1	To W. W. Longmoor, Curator.....	25.00
"	1	To Mrs. Mary C. Haycraft, Typewriting.	6.00
"	1	To Forest Moore, Janitor	25.00
"	1	To Miss Martha Stephenson, article for Register	20.00
"	2	To L. P. Thompson, Carriage for D. A. R. guests, June 22d	5.00
"	2	To Mrs. E. S. Sturges, Article for Register	25.55
"	2	To R. Rogers & Sons, Furniture for Historical rooms, souvenir case, rugs, &c....	42.00
"	2	To Secretary and Treas., Salary by order of Ex. Com.	1,200.00
"	7	To C. E. Collins for carpet sweeper and wax for library floor	3.20
"	9	To Frankfort Tel. Co., service for June..	1.25
"	12	To Martin & Hoyt Co., Atlanta, Ga., for last vols. So. Lit. receipt in full for whole amount	8.00

July	14	To W. H. Averill & Sons, gilding for frames for Hist. Soc.	$2.10	
"	15	To Arthur Clark Co., for McClung's Sketches of Western Adventure	3.40	
"	22	To P. M. Geo. Barnes, stamps and postal cards for Hist. Soc.	11.00	
"	29	To incidental expenses for Historical rooms	3.05	
"	30	To Mrs. Mary C. Haycraft, Typewriting...	5.25	
				$1,425.25
Aug.	1	To Miss Sally Jackson, Librarian.....	$40.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Forest Moore, Janitor	25.00	
"	1	To Mrs. Ella H. Ellwanger, Article for Register	10.00	
"	2	To H. A. Gretter, frames and picture for Hist. Society	3.40	
"	4	To East Tenn. Tel. Co. for June and July..	5.50	
"	4	To A. W. Overton, Cashier Farmers Bank	1,000.00	
"	5	To C. Kagin & Bro., lining for cases in Hist. Rooms	2.55	
"	5	To R. B. Jillson, water cooler for Hist. So.	2.00	
"	6	To American Nat. Bank, benefit of Ky. State Hist. So., this sum being a part of its annual fund, 3 per cent. annually from Aug., 1910, to Aug. 1911.....	2,000.00	
"	8	To Frankfort Tel. Co., service July.....	1.50	
"	8	To Capital Trust Co., Ky. State Hist. Soc. 3 per cent annually, Aug. 1910 to Aug. 1911	1,000.00	
"	9	To Miss Mary Ashmore, for painting by R. Burns Wilson	10.00	
"	11	To Geo. Baber, Washington, D. C., for history and picture of Rear Admiral Lucian Young, U. S. N., for Register	25.00	
"	15	To Forest Moore, Janitor	12.50	
"	19	To Geo. Barnes, P. M., postage for Hist. Soc.	10.00	
"	22	To Southern Pub. So., Richmond, Va., 2 vols. "South in the Building of the Nation," account in full	10.00	

Aug.	24	To Leroy Morgan (col.) for repairing and cleaning five chairs for Hist. Society....	$10.00	
"	26	To Secretary and Treas., Money paid out for typewriting and sundries, Hist. Soc.	4.50	
				$4,196.95
Sept.	1	To Miss Sally Jackson, Librarian	$ 40.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Forest Moore, Janitor	8.33	
"	1	To American Hist. Asso., Membership....	3.00	
"	1	To John Beatty, service in Hist. Rooms .	9.00	
"	5	To Thos. K. Robb, for moving and hauling large bookcase from old to New Capitol.	10.00	
"	6	To H. A. Gretter, for frame for painting by R. B. Wilson	3.25	
"	10	To East Tenn Tel. Co., for August	2.75	
"	12	To Jno. Wilson Townsend, for postage stamps for Hist. Society	5.00	
"	13	To H. V. McChesney, reading proof for Hist. Society	25.00	
"	13	To Frankfort Printing Co., for printing Registers Sept., 1910	177.80	
"	14	To Secretary and Treas., money paid out in small sums for the Society	5.00	
"	22	To Ky. State Journal, for 300 annual reports and 1,000 circulars	37.50	
"	24	To Mrs. Ella H. Ellwanger, for article concerning Estill Springs for Register.....	10.00	
"	26	To Frankfort Tel. Co.....	1.25	
				362.88
Oct.	1	To Miss Sally Jackson, Librarian.....	$ 40.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To H. V. McChesney, for proof reading 1909-1910	12.50	
"	1	To John Beatty (col.), for service Hist. rooms	12.00	
"	1	To Mrs. Mary Haycraft, typewriting.....	2.00	
"	1	To Geo. Barnes, P. M., postage for Hist. Soc.	5.00	
"	3	To M. A. Selbert, silver spoons Hist. Soc...	3.00	

Oct.	7	To Geo. Barnes, P. M., postage Hist. Soc..	$10.00	
"	7	To Caron Directory Co., for Hist Soc.....	3.00	
"	10	To Frankfort Tel. Co., for Hist. Soc.....	1.25	
"	11	To Mrs. Morton, expense.....	1.00	
"	12	To Globe Printing Co., binding four books	5.00	
"	12	To John P. Morton & Co., for book, Jno. Filson	5.00	
"	14	To Jno. W. Townsend, for history of Catholicism in Kentucky	3.75	
"	14	To Mrs. Morton, expense	3.10	
"	15	To Thos. K. Robb, for moving desks, books and papers from Old to New Capitol.....	4.50	
"	18	To Moffat, Yard & Co., for "Ky. in the Nation's History"	5.28	
"	18	To W. T. Hundleigh, for restoring Taylor's portrait	10.00	
				$151.38
Nov.	1	To Miss Sally Jackson, Librarian.....	$ 40.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To John Beatty (col.), services Hist. Soc...	12.00	
"	1	To Ky. State Journal, publishing "Ky., Mother of Governors"	237.00	
"	1	To Geo. Barnes, P. M., stamps for Hist. Soc.	5.00	
"	1	To Guy Barrett, for "Winning of the West;" two boxes rubber bands.....	11.00	
"	1	To East Tenn. Tel. Co., September and October	5.70	
"	3	To Campbell James, for History of Frankfort Cemetery, lots and names since 1877.	25.00	
"	3	To Courier-Journal Co., newspaper for Hist. Soc.	3.00	
"	7	To H. A. Gretter, photos for Hist. Soc....	8.75	
"	10	To Thos. J. Caie Co., Cincinnati, Ohio, for Hist. of Scotland, 3 vols.....	60.00	
"	12	To Sec. and Treas. bill for sundries Hist. Soc.	4.20	
"	14	To L. F. Johnson, for Hist. of Franklin County as published in Register.....	100.00	
"	22	To Frankfort Tel. Co.	1.50	

Nov.	22	To John Wilson Townsend, for books for Hist. Sic.	$3.75	
"	23	To Globe Printing Co., for supplies	12.25	
"	25	To Miss Alice Metcalf, Ret. Fee	2.00	
"	26	To Sec.-Treasurer, work for Hist. So., sundries, &c.	4.75	
"	30	To Wm. Shannon, services	2.00	
"	30	To John Beatty (col.), for month of November	12.00	
				$574.90
Dec.	1	To Miss Sally Jackson, Librarian	$40.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Geo. H. Stehlin, for rugs	3.00	
"	1	To R. Rogers & Sons, for rugs	7.50	
"	1	To Mrs. Ella H. Ellwanger, article for Register	25.00	
	2	To East Tenn. Tel. Co. for November	3.10	
"	3	To W. S. Farmer & Son, supplies	1.94	
"	5	To Mrs. Haycraft, typewriting	2.50	
"	6	To Geo. Barnes, P. M., stamps	5.00	
"	9	To Frankfort Telephone Co.	1.25	
"	23	To John Beatty (col.), extra services	2.00	
"	24	To Hon. H. V. McChesney, proof-reading Register, 1911, January magazine	25.00	
				141.29

RECAPITULATION.

Cash balance State National Bank, July 1st, 1910	$2,510.59	
Total receipts July 1st to Dec. 30th, 1910	6,885.75	
Total expenditures July 1st to Dec. 31, 1910		6,852.65
Cash on Deposit Dec. 31st, 1910		$2,543.69
	$9,396.34	$9,396.34
Cash on Deposit State National Bank Dec. 31st	$2,543.69	
Cash on Deposit Capital Trust Company Dec. 31st	1,000.00	
Cash on Deposit American National Bank Dec. 31st	2,000.00	
	$5,543.69	

Examined and approved,

W. W. LONGMOOR.

STATEMENT OF ACCOUNT AT FARMERS BANK.

July 1st, 1910	On Deposit		$1,000.00
Sept. 1st, 1910	John Wilson Townsend.....$	25.00	
Oct. 1st, 1910	John Wilson Townsend.....	50.00	
Nov. 1st, 1910	John Wilson Townsend.....	50.00	
Nov. 30th, 1910	John Wilson Townsend.....	50.00	
Dec. 17th, 1910	Transfered to State National Bank..	825.00	1,000.00
		$1,000.00	Closed.

RECEIPTS.

1911.			
Jan.	2	1st. Lieut. W. E. Bennett, U. S. A., Fort Lawton, Washington, Membership Fee..	$ 2.00
"	9	Register one year	1.00
"	9	To Society for Register	1.00
"	9	Otto A. Rothert, 132 E. Gray St., St. Louis, Mo., for Register one year.....	1.00
"	9	Mrs. Morton (Jennie C.), Membership Fee —Annual	1.00
"	9	Frank Chinn, Mem. Fee—Annual	1.00
"	9	Society for Registers	1.25
"	12	Mr. Volney Osborn, Lone Oak, Bluemont, Loudoun Co., Va., Register one year.....	1.00
"	17	New York State Library, for Register one year	1.00
"	17	B. A. Johnson, 218 E. 49th St., Chicago, Ill., for Register one year and book.....	2.00
"	17	Robt. C. Simmons, Covington, Ky., Register one year	1.00
"	23	Judge J. M. Benton, Register one year.....	1.00
"	23	Mrs. Hattie Jackson, 1126 South 15th St., Lincoln, Neb., Register one year.....	1.00
"	26	Dr. F. O. Young, Lexington, Ky., Register one year	1.00

Jan.	30	Miss Lucy C. Lee, Maysville, Ky., Register One year	$1.00	
"	30	Mrs. Rosa V. J. Rhett, Lexington, Ky., Register one year	1.00	
				$18.25
Feb.	1	Sale of Registers	$ .25	
"	1	Sale of Registers	.50	
"	3	Mrs. Belle Rogers, Membership Fee	1.00	
"	7	Admiral Lucien Young, U. S. Navy Yard, Pensacola, Fla., for 30 Registers	7.50	
"	13	H. B. Mackoy, Mem. dues	1.00	
"	14	Sale of Registers	1.00	
"	15	Nicola Marschall, Register one year	1.00	
"	20	Col. B. G. Slaughter, Membership dues	2.00	
"	20	Miss Sophie D. B. Gray, Membership dues	1.00	
"	20	Sale of Registers	1.00	
"	21	Mrs. Mary E. Giltner, Renewal	1.00	
"	21	Otto A. Rothert, Membership Fee	2.00	
"	23	Theo. Koch, Ann Arbor, University of Michigan	1.00	
"	23	For Sub. to Reg. one year and files of Registers	3.00	
"	23	Mrs. W. Leslie Collins, Mem. Fee	1.00	
				24.25
Mar.	1	F. F. Ballard, Covington, Ky., for Register one year	$1.00	
"	1	Jno. F. Ballard, Shelbyville, Ky., for Register one year	1.00	
"	1	Mrs. Brown Craig Crawford, Louisville, Ky., for Register one year	1.00	
"	1	L. T. Boyd, Milwaukee Journal, Milwaukee, for Register one year	2.00	
"	1	Mrs. T. L. Edelen, Membership dues	1.00	
"	2	Mrs. D. R. Mayo, Weston, Mo., Register one year	1.00	
"	2	Mrs. E. A. King, 2609 Frederick bldg., St. Joseph, Mo., Register one year	1.00	
"	2	K. B. Randolph, German American Bank bldg., St. Joseph, Mo., Register one year	1.00	

Mar.	3	Mrs. Isham Railey, Register one year....	$1.00
"	4	Mrs. E. E. Porter, 501 N. Prospect, Sedalia, Mo., Register one year	1.00
"	4	Jno. Randolph Railey, Fayetteville, Ark., Box 3, Register one year	1.00
"	6	Mrs. Mary Noble Dudley, Falls Church, Va., Register one year	1.00
"	6	Henry P. Noble, Register one year.....	1.00
"	6	Mrs. Emma Henry, Glendale, Ohio, Register one year	1.00
"	6	James Henry, 632 Warner Ave., Jonesboro, Ark., Register one year	1.00
"	6	J. J. Railey, Keota, Okla., Register one year	2.00
"	7	Mrs. Russell Railey, Versailles, Ky., Register one year	1.00
"	7	Mr. Jack Stevens, Steven's Ranch, Floresville, Texas, Register one year.....	1.00
"	7	Mrs. Claude Springoll, Mulberry and Belknap St., San Antonia, Texas, Register one year	1.00
"	7	Mrs. Raymond Heller, 311 Startle St., San Antonia, Texas, Register one year.....	1.00
"	7	Miss Elenor Stephens, 311 Startle St., San Antonia, Texas, Register one year.....	1.00
"	7	Mrs. Jno. J. Stevens, R. F. D. No. 3, Floresville, Texas, Register one year.....	1.00
"	7	Miss S. M. Sleeper, 1108 Austin Ave., Waco, Texas, Register one year	1.00
"	7	Mrs. Robert W. Macey, Versailles, Ky., Register one year	1.00
"	7	L. B. Railey, Rio, Albermarle Co., Va., Register one year	1.00
"	7	Mrs. Robinson L. Ireland, 415 West Main St., Madison, Ind., Register one year.....	1.00
"	8	Mrs. Harry A. Wilson, 15 Marlbourough, Milwaukee, Wis., Register one year	1.00
"	8	Isham R. Darnell, Benkelman, Neb., three Registers one year	3.00
"	9	Mrs. Jas. R. Clark, Lagrange, Ky., Register one year	1.00

Mar.	9	David W. Layton, Hermatite, Ky., Register one year	$1.00
"	9	Mrs. Susan R. Layton, Ferguson, Mo., Register one year	1.00
"	9	Miss Grace C. Railey, 1052 Banklick St., Covington, Ky., Register one year.....	1.00
"	9	Redmond S. Cole, Co. Atty., Pawnee, Okla., Register one year	1.00
"	10	Mrs. H. R. Leiter, 811 Linwood bldg., Kansas City, Mo., Register one year.....	1.00
"	10	Mrs. Andrew D. Hoidale, Tracy, Minnesota, Register one year	1.00
"	10	Miss Eleanor Madeira, 811 Linwood bldg., Kansas City, Mo., Register one year.....	1.00
"	10	Mrs. Anita Calvert Boengeoise, St. Louis, Mo., Register one year	1.00
"	11	Boutwell Dunlap, Atty. at Law, 1st Nat. Bank bldg., San Francisco, Cal., Register one year	1.00
"	13	Mrs. Douglas Everett, Chattanooga, Tenn., Register one year	1.00
"	13	Miss Emma Railey, Weston, Mo., Register one year	1.00
"	13	Rev. Samuel A. King, 106 E. 27th St., Austin, Texas, Register one year.....	1.00
"	13	Mrs. A. M. Gribble, 106 E. 27th St., Austin, Texas, Register one year	1.00
"	13	Mrs. P. M. Burney, Box 313, Anson St., Austin, Texas, Register one year.....	1.00
"	13	Mrs. F. A. Barnes, Box 31, San Suba, Tex., Register one year	1.00
"	13	Mrs. Minnie C. King, 705 Speight St., San Diego, Cal., Register one year	1.00
"	13	Dr. S. A. King, 2061 Front St. San Diego, Cal., Register one year	1.00
"	14	Mrs. C. N. Broadhurst, Macon, Mo., Register one year	1.00
"	14	Mrs. M. Railey, Charlottesville, Va., Register one year	1.00
"	14	Miss Nannie Green, Historian, St. Asaph's Chap. D. A. R., register one year.....	1.00

Mar.	15	Mrs. H. C. Cockrell, 127 W. 7th St., San Jose, Cal., Register one year	$1.00
"	15	R. T. Railey, 5662 Cabanne Ave., St. Louis, Mo., Register one year	2.15
"	15	R. H. Gunn, Edgerton, Mo., Register one year	1.00
"	15	Mrs. Reginald Gilham (Colonial Dames), 11 E. Franklin St., Richmond, Va., two Registers one year	2.00
"	15	Dr. Chas. Noble, Gunvill, Iowa, Register one year	1.00
"	15	Adair Pleasants, Rock Island, Ill., Register one year	1.00
"	15	Geo. P. Noble, "The Manse," Carmel, Putman Co., New York, Register one year..	1.00
"	15	Copy of Register	.25
"	15	Mrs. P. L Railey, R. F. D., No. 1, Frankfort, Ky., Register one year.....	1.00
"	15	Mrs. S. A. Tynde, 12 E. 31st St., New York City, Register one year	1.00
"	15	Mrs. P. R. Wilson, Box 186, Sweet Springs, Mo., Register one year	1.00
"	15	Wm. M. Railey, 814 Gravior St., New Orleans, La., Register one year, 5 copies....	5.00
"	21	Lester Turner, Down's Block, Seattle, Washington, Register one year	1.00
"	21	Curtis M. Ballard, Clerk Clark Circuit Court, Register one year	1.00
"	21	R. W. Macey, "The Livingston," 27 W. St. Joe St., Indianapolis, Ind., Register one year	1.00
"	29	Miss Margaret Railey, Clarksdale, Mo., Register one year	1.00
"	29	H. N. Railey, Stoney Plain, Alberta, Canada, Register one year	1.06
"	29	Chas. N. Payne, Halls, Buchanan Co., Mo., Register one year	1.00
"	29	Mrs. Jno. D. McCutchen, Pilot Grove, Mo., Register one year	1.00

Mar.	30	Prof. T. Berry Smith, Central College, Fayette, Mo., Register one year	$1.00	
				$79.46
Apr.	1	A. F. Mayo, Grand Junction, Pamona Park Colo., R. F. D. No. 2, Register one year	$ 2.00	
"	1	Mrs. R. E. Turpin, Grand Junction, Pomona Park, Colo., R. F. D. No. 2, Register one year	1.00	
"	1	Mrs. Edward E. Mayo, 105 E. Chestnut St., Louisville, Ky., Register one year	1.00	
"	1	Mrs. W. H. Tharp, Middletown, Jefferson Co., Ky., Register one year	1.00	
"	1	Mrs. Otto F. Mathews, Macon, Mo., Register one year	1.00	
"	1	Mrs. V. M. Railey, Versailles, Ky., Register one year	1.00	
"	1	Mark H. Railey, Tyden, New Mexico, Register one year	1.00	
"	1	In change	1.25	
"	4	Dr. M. C. Darnell, Duckers, Ky., Register one year	1.00	
"	4	J. M. Railey, Tooele, Utah, Registers	1.25	
"	4	Mrs. Mattie Railey, Versailles, Ky., Register one year	1.00	
"	6	L. E. Bowman, 3918 Chestnut St., New Orleans, Register one year	1.00	
"	6	Mrs. A. V. Hassis, 721 N. 16th St., Waco, Texas, Register one year	1.00	
"	6	Mrs. J. M. Garth, Webster Grove, Mo., Register one year	1.00	
"	6	Mrs. S. B. Layton, Ferguson, Mo., Register one year	1.00	
"	6	Mrs. A. J. Fluke, Shawnee, Okla., Register one year	1.00	
"	6	Mrs. Mary H. R. Esmay, 846 N. 13th Ave., Phoenix, Arizona, Register one year	1.00	
"	6	David Thornton, 3444 Campbell St., Kansas City, Mo., Register one year	1.00	
"	8	Mrs. S. C. Brown, 617 N. Moffet St., Joplin, Mo., Register one year	1.00	

Apr.	11	Mrs. William Hunter Railey, 614 Maple St., Anaconda, Montana, Register one year...	$1.00
"	12	J. W. Berryman, Versailles, Ky., Register one year	1.00
"	13	Chas. C. Sloan, Stigler, Okla., Register one year	1.00
"	13	For Registers	.25
"	15	L. R. Railey, Hatchet bldg., 7 and 8, Miami, Fla., Register one year	1.00
"	15	F. G. Railey, Jr., Hatchet bldg., Nos. 7 and 8, Miami, Fla., Register one year.....	1.00
"	15	Miss Margaret Thompson, Pilot Grove, Mo., Register one year	1.00
"	15	Mrs. Jennie Layton Wallace, Versailles, Ky., Register one year	1.00
"	18	Mrs. M. L. Dimmett, Georgetown, Texas, Register one year	1.00
"	19	Mrs. Nannie Randolph Givens, 113 E. Main St. Madison, Ind., Register one year.....	1.00
"	19	Miss Grace B. B. Railey, Birdwood, Albermarle Co., Va., Register one year.....	1.00
"	21	H. P. Railey, 609 W. Sausene St., Boseman, Texas, Register one year	1.00
"	21	Registers for State Library, Richmond Virginia	2.00
"	21	Rev. F. G. Railey, 1517 W. Ala. Ave., Selma, Ala., Register one year	1.00
"	22	Mrs. G. F. Schroeter, Paint Rock, Texas, Register one year	1.00
"	24	Mrs. Richard T. Tatlow, Holden, Johnson Co., Mo., Register one year	2.00
"	24	H. C. Sanders, 955 Brook St., Louisville, Ky., Register one year	1.00
"	24	Check	2.00
"	24	Registers for Carnegie Public Library, Paducah, Ky., Register one year.....	1.00
"	25	Mrs. G. M. Fishback, R. F. D. No. 3, Versailles, Ky., Register one year	1.00
"	26	Mrs. Margaret H. Harris, Glendale, Ohio, Register one year	1.00

Apr.	26	Mrs. Mary H. Brun, Chehalis, Washington, R. R., Register one year	$1.00	
"	27	Russell Harriman, P. O. Box 896, Ocean Park, Cal., Register one year	1.00	
"	27	Dr. W. P. Harriman, 506 Fifth St., San Antonio, Texas, Register one year	1.00	
"	28	Mrs. Mattie Reed Kyle, 2810 St. Zavier St., Louisville, Ky., Register one year.....	1.00	
"	28	Mrs. W. R. Hogsett, 2902 Harrison St., Kansas City, Mo., Register one year.....	1.00	
				$48.75
May	1	Mr. Albert G. Glothier, Washington, D. C.	$1.00	
"	1	Dr. Thos. E. Pickett, Maysville, Ky.....	5.00	
"	1	Miss Nora M. Williams, No. 1 R. R., Golden City, Mo.	1.00	
"	1	R. E. Berryman, Versailles, Ky.....	1.00	
"	3	Rev. W. R. Anderson, Box 423, Shelbyville, Ky.	1.00	
"	3	R. S. Harriman, Bunceton, Mo.....	1.00	
"	4	Mrs. Chas. S. Tabb, 1244 Brook St., Louisville, Ky.	1.00	
"	6	Mrs. Jno. A. Burnett, 1161 First St., Louisville, Ky.	1.00	
"		Mrs. Emma W. Baker, 2215 E. 26th St., Kansas City, Mo.	1.00	
"	6	Mrs. A. A. Woods, 1129 Actavia St., New Orleans, La.	1.00	
"	8	H. M. Williamson, 303 Henry bldg., Portland, Ore.	1.00	
"	12	Mrs. Jno. J. Hogsett, The Albemarle, 17th and Y Sts., Washington, D. C.....	1.00	
"	13	Mrs. Wm. A. Beale, Mitchells, Culpepper Co., Va.	1.00	
"	15	Mrs. N. S. Clark (renewal) Avondale, Cincinnati, Ohio	1.00	
"	15	A. L. Stephens, Ivy Depot, C & O. R. R., Va.	1.00	
"	18	Mrs. Edward Gilchrist, Chinese Imperial Customs, Swartow, China	1.50	

May	24	Mrs. James Montgomery (renewal) Register	$1.00	
"	25	Sale of Registers	.50	
"	26	C. K. Berryman, 1754 Euclid St., Washington, D. C.	1.00	
"	26	Church Berryman, 103 Lamar St., Macon, Ga.	1.00	
"	29	Mrs. Sally C. Berryman, R. R. No. 1, Frankfort, Ky., to Hist. Society.....	1.00	
"	29	Cash to Society, sale of Registers.....	6.50	
				$32.50
June	1	Chas. L. Stone, 5800 Von Vessen Ave., St. Louis	$ 1.00	
"	1	Misses Mary and Cornelia Stone, Versailles, Ky.	1.00	
"	12	Mrs. Mary Addams Bayne, Mem. Fee	2.00	
"	12	Alexander Henry, Denver, Colo., Clerk's P. O. Box	1.00	
"	12	R. B. Railey, 162 W. Peachtree St., Atlanta, Ga.	1.00	
"	12	Cash, sale of Registers	2.00	
"	27	Ky. State Hist. So.....	1.00	
				9.00

EXPENDITURES.

1911.			
Jan.	2	To Miss Sally Jackson	$ 40.00
"	2	To W. W. Longmoor.....	25.00
"	2	To Jno. W. Townsend	50.00
"	2	To Jno. Beatty (col.)	12.00
"	2	To A. C. Quisenberry for history of Mexican war and list of Ky. officers in it.....	50.00
"	2	To Sundries for Hist. Soc.....	1.75
"	2	To Mrs. D. B. Walcutt for Century, Scribner and World's Work Magazines for Hist. Soc., for one year	8.80
"	2	To Mrs. Mary Haycraft, Expenditures	1.75
"	4	To East Tenn. Tel. Co. for Hist. Soc. per month	2.75

Jan.	4	To Leslie Kendrick, for Macauley's History of England, for Hist. Soc	$2.40
"	5	To C. Kagin & Bro., for Supplies for Hist. Soc.	2.55
"	6	To Mrs. D. B. Walcutt, for Painting "Simon Kenton's Ride"	100.00
"	6	To Mrs. D. B. Walcutt, for Painting in Embroidery, a rare picture	10.00
"	10	To William Shannon, on account.....	2.00
"	14	To Secy.-Treas., for Sundries for Hist. Soc. in December and January	3.25
"	16	To Frankfort Printing Co., for publishing the Register January, 1911.....	184.35
"	17	To Frankfort Tel. Co., for Hist. Soc.....	1.50
"	18	To McKindley Pub. Co., Philadelphia, Pa., for History Teacher's Magazine	1.00
"	25	To Miss Sophie DeB. Gray, for Gov. Owsley's Portrait for Hist. Soc.....	100.00
"	28	To Secy-Treas., for Incidental Expenses for Hist. Soc.	4.05
"	31	To Geo. Barnes, P. M., for postage stamps for Hist. Soc.	10.00
			$613.15
Feb.	1	To Miss Sally Jackson, Librarian.....$	40.00
"	1	To W. W. Longmoor, Curator	25.00
"	1	To Wm. Shannon	18.00
"	1	To Geo. H. Stehlin, Umbrella Stand.....	2.00
"	1	To W. T. Hundleigh, artist, for Portrait of Mrs. Rosa Vertner Jeffreys.....	120.00
"	1	To John Beatty (col.)	12.00
"	1	To Mrs. Ella H. Ellwanger, Articles for the Register	50.00
"	2	To East Tenn. Tel. Co., for Hist. Soc.....	2.75
"	3	To H. A. Gretter, for Picture and Frames for Hist. Soc.	8.55
"	3	To The Frankfort Printing Co., for Tickets and Bill Heads for Hist. Soc.....	3.25
"	7	To Adams Express Co., for package sent to Admiral Lucien Young, of 30 Registers at U. S. Navy Yards, Pensacola, Fla.....	1.10

Feb.	8	To Home Tel. Co., for His. Soc.....	$1.25	
"	9	To Supplies for Hist. So. (see voucher)...	5.30	
"	10	To Geo. Baber, Articles for Register.....	10.00	
"	20	To T. N. Lindsey, Frame for Gov. Owsley portrait	7.50	
"	25	To W. W. Longmoor, for buying books....	7.50	
				$310.20
Mar.	1	To Miss Sally Jackson, Librarian	$ 40.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To William Shannon	20.00	
"	1	To Secretary, Supplies for Hist. Soc.	2.15	
"	1	To John Beatty (col.)	12.00	
"	1	To Col. J. Stoddard Johnston, for History of Louisville, Ky.	15.00	
"	1	To The Frankfort Printing Co., for Letterheads and Circulars	5.00	
"	1	To Typewriting for Hist. Soc.....	3.25	
"	1	To Frankfort News-Journal, daily.....	4.00	
"	1	To Geo. Barnes, P. M., for postage stamps for mailing Registers	10.00	
"	1	To Leslie Kendrick, for Histories and Webster's Dictionary for Hist. Soc.....	13.05	
"	9	To East Tenn. Tel. Co., for Hist. Soc.....	2.75	
"	10	To Frankfort Tel. Co., for Hist Soc.....	2.50	
"	21	To Leslie Kendrick, for Hist. of the World.	2.90	
				157.60
April	1	To Miss Sally Jackson, Librarian	$ 40.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To Secy-Treas., for Supplies for Hist. Soc..	3.30	
"	1	To William Shannon, Caretaker.....	20.00	
"	1	To John Beatty (col.), porter	12.00	
"	1	To Mary C. Haycraft, Typewriting.....	2.00	
"	3	To East Tenn. Tel. Co., for Hist. Soc.....	3.80	
"	4	To Frankfort Printing Co., for Envelopes Register	6.50	
"	4	To Mrs. Ella H. Ellwanger, Article for Register	15.00	
"	8	To Leslie Kendrick, for Books for Hist. Soc.	2.30	

Apr.	18	To Frankfort Tel. Co., for Hist. Soc.....	$2.50	
"	18	To Geo. Barnes, P. M., stamps for Hist. So.	10.00	
"	18	To Dr. Thos. E. Pickett, for Articles for Register, viz: "The Kentuckian that Taught Grant"	50.00	
"	21	To Supplies for Hist. Soc. (see voucher)...	5.75	
				$198.15
May	1	To Miss Sally Jackson, Librarian	$ 40.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To William Shannon	25.00	
"	1	To John Beatty (col.)	12.00	
"	1	To Dodd, Mead & Co., for New International Encyclopedia	10.00	
"	1	To Frederick G. Walker, artist, for portrait of Gov. John Breathitt	100.00	
"	2	To Mary C. Haycraft, for Hist. Society....	6.50	
"	3	To The Frankfort Printing Co., for Envelopes for Hist. Soc.	1.75	
"	3	To East Tenn. Tel. Co., for Historical Rooms	2.75	
"	3	To Supplies for Hist. Soc. (see voucher)...	7.25	
"	4	To Transfer Charges to Agent on first box of books from Dodd, Mead & Co.....	1.00	
"	9	To T. N. Lindsey, Louisville, Ky., Frame for portrait for Hist. Soc.....	7.50	
"	9	To Frankfort Tel. Co., fo Hist. Society....	2.50	
"	19	To N. S. Haddah, for rare and elegant table cover for Hist. Soc.....	23.00	
"	24	To Ky. State Journal Publishing Co., for May Register	161.11	
				424.36
June	1	To Miss Sally Jackson, Librarian.....	$40.00	
"	1	To W. W. Longmoor, Curator.....	25.00	
"	1	To William Shannon.....	25.00	
"	1	To John Beatty (col.).....	12.00	
"	1	To Dodd, Meade & Co., International Enc..	10.00	
"	1	To State Historical Society (see voucher)..	6.09	
"	1	To typewriting for Hist. Soc.....	5.00	
"	1	To Miss Sally Jackson, for money advanced attendant	3.00	

June	1	To Miss Edith Speer, Berea College, for Mt. Coverlet	$12.00	
"	13	To money advanced for supplies for Hist. Soc. (see voucher)	7.65	
"	18	To Frankfort Tel. Co., service for May	2.50	
"	18	To East Tenn. Tel. Co., service for May	2.75	
"	18	To Mrs. Sales, for Indian Chief's Navajo Blanket	23.50	
				$171.49

RECAPITULATION.

Receipts.		Expenditures.	
January	$ 18.25	January	$ 613.15
February	24.25	February	310.20
March	79.46	March	157.60
April	48.75	April	198.15
May	32.50	May	424.36
June	9.00	June	171.49
	$212.21		$1,874.95

Cash balance State National Bank January 1, 1911	$2,543.69	
Total receipts January 1 to June 30, 1911	212.21	
Total expenditures January 1 to June 30, 1911		$1,874.95
Cash on deposit State National Bank June 30		880.95
	$2,755.90	$2,755.90

TOTAL FUNDS OF THE SOCIETY.

Cash on deposit State National Bank, June 30, 1911	$ 880.95
Cash on deposit Capital Trust Company, June 30, 1911	1,000.00
Cash on deposit American National Bank, June 30, 1911	2,000.00
	$3,880.95

MRS. JENNIE C. MORTON,
Secretary-Treasurer.

Examined and Approved:
W. W. LONGMOOR,
MISS SALLY JACKSON.

RECEIPTS.

1911.				
July	1	Miss Evelyn Price, for Branch Historical Society	$6.00	
		Mrs. N. J. Curry.		
		Hon. W. W. Stephenson.		
		Misses Martha and Mary Stephenson.		
		Mrs. C. D. Thompson.		
		Dr. C. B. VanArsdale.		
		Miss Price, Secretary H. H. S.		
"	1	Mrs. J. A. Dean, Owensboro, Ky., membership fee	2.00	
"	15	J. Irvine Lyle, for Register	1.00	
"	19	W. E. Railey, membership fee	1.00	
"	24	Annual amount for Kentucky State Historical Society, paid by the State Treasurer to Secretary-Treasurer to said society. Placed to the credit of the society in State National Bank	5,000.00	
				$5,010.00
Aug.	4	Interest on $1,000.00 in Trust Company Bank, Frankfort, Ky., August 3, 1910-11. This sum ($1,000.00) is now in same bank of trust company above at 3 per cent per annum	$30.00	
"	4	Mrs. W. S. Giltner, membership fee	2.00	
"	12	Mrs. James Berryman, 1243 Cleveland Ave., St. Louis, Mo., subscription to Register...	1.00	
"	15	Mrs. South Tremble	1.00	
"	18	Miss Pearl Carpenter, Covington, Ky.....	1.00	
"	25	Mrs. W. H. French, 305 E. Love St., Mexico, Mo.	1.00	
"	28	Joe Railey Mount, Lancaster, Ky.....	1.00	
"	28	Ben H. Williamson, Catlettsburg, Ky.....	1.00	
"	28	Mrs. Shelby Allen, La Grange, Ky.....	1.00	
"	28	Historical Society, Sub. to Register	1.00	
"	29	Wm. Railey, Sub. to Register	2.00	
"	31	F. A. Richardson, Libn. Supreme Court Library, Sub. to Register	2.00	
Sept.	1	Miss Sally Jackson, An. Mem. Fee	1.00	

Sept.	5	E. Polk Johnson, Register one year.....	$1.000	
"	8	C. Y. Trucheart, Louisville, Ky., Register one year	1.00	
"	11	E. Polk Johnson, for books and postage....	1.25	
"	22	Sub. to Register	1.00	
"	22	Sale of Registers	2.75	
"	27	Otto Rothern, Sub. to Register	1.00	
"	29	Chas. Randalph Railey, Sub. to Register...	1.00	
"	29	Edward Frazer, Sub. to Register	1.00	
				$11.00
Oct.	3	Dr. Thos. E. Pickett, for Registers .....$	5.00	
"	6	Mrs. W. P. LeMaster, Register one year..	1.00	
"	10	Mrs. Annie E. Miles, membership fee renewal	1.00	
"	10	Judge A. M. Woodson, Supreme Court, Jefferson City, Mo., Register for one year...	1.00	
"	13	For sale of Registers	2.00	
"	17	For sale of Register	.25	
"	17	Mrs. J. T. Arnold, renewal for Register...	1.00	
"	17	W. W. Longmoor, renewal for Register....	1.00	
"	21	Mrs. M. S. Railey, Marshall, Mo., Register for one year	1.00	
"	21	Mrs. Susan Hart Shelby, Lexington, Ky., renewal for Register one year	1.00	
"	23	Mrs. David J. Chinn, Bettendorf, Iowa, Register for one year	1.00	
"	25	Chas. T. Dearing, Louisville, Ky., Register for one year	1.00	
"	26	Prof. G. C. Downing, Frankfort, Ky., renewal for Register one year.....	1.00	
				17.25
Nov.		Miss Joe Carter, Versailles, Ky., Register for one year .....$	1.00	
"	8	Lewis J. Jones, 524 1st St., Louisville, Ky., for Register	1.00	
"	13	Miss Lucy Lee, renewal	1.00	
"	16	Dr. L. E. McMurtry, 6111 Ashland Ave.....	1.00	
"	20	Mrs. Horace Posey, for Register.....	1.00	
"	20	Jno. W. Fox, Big Stone Gap, Va., for Register	2.00	
				7.00

Dec.	8	Mrs. R. K. Hoeflick, Maysville, Ky.....$	1.00
"	9	Lucien Beckner, Membership Fee	2.00
"	14	Mrs. Foster Barbour, renewal	1.00
"	16	Geo. Baber, Washington, D. C.....	1.00
"	18	Sale of old desk to H. F. French, from Hist. Soc.	5.00
"	18	Wm. Kelly, M. D., Register one year.....	1.00
"	22	To Ky. State Hist. Soc., for pamphlet.....	.25
"	25	L. F. Johnson, Membership Fee.....	1.00
"	30	To pamphlet	.25
			$12.50

EXPENDITURES.

1911.			
July	1	To Miss Sallie Jackson, Librarian .....$	40.00
"	1	To W. W. Longmoor, Curator	25.00
"	1	To H. V. McChesney, Semi-annual salary..	300.00
"	1	To Sec.-Treas. by order of Ex. Com. Sec. receipt by Henry Bacon, Sec. Aug., 1910, for books pub. for State Hist. So. by Globe Printing Co. Paid by Mrs. J. C. Morton for Hist. Soc.	125.00
"	1	To Dodd, Mead & Co., Acct. in full for International Encycloedia	100.00
"	1	To William Shannon, Attendant	23.00
"	1	To Jno. Beatty (colored) Porter	12.00
"	1	To D. B. Roberts, Louisville, Ky. for (book) "Daniel and the Revelation"	5.00
"	3	To The Coyle Press for Programs.....	6.50
"	3	To Fulton Music Co., for rent of piano for Boone Day, June 7th.	10.00
"	3	To Typewriting	7.25
"	3	To E. Tenn. Tel. Co., Historical Rooms...	3.35
"	4	To Mrs. W. Leslie Collins, contribution to Register	10.00
"	6	To Mrs. Jennie M. Chinn, for assistance in Historical Society Library	3.00
"	11	To Frankfort Tel. Co., for Hist. Rooms...	2.50
"	13	To Thos. D. Osborne for book, "The Koran Christ" for Hist. Soc.	1.00

July	15	To Wm. Shannon on salary	$13.00	
"	19	To Geo. Barnes, P. M., stamps for Hist. Soc.	1.00	
"	20	To S. A. Cunningham for "The Veteran" and Dr. Cave's book for Hist. Soc.....	1.00	
"	24	To Mrs. S. F. Johnson for Ky. State Hist. So.	5.00	
"	24	To Sec.-Treas., Ky. State Hist. Soc., annual salary by order of Executive Com.....	1,200.00	
"	24	The John Shillito Co., supplies.....	21.97	
				$1,925.57
Aug.	1	To Miss Sally Jackson, Librarian	$ 40.00	
"	1	To H. V. McChesney, Asst. Editor.....	50.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To William Shannon, Attendant	14.00	
"	1	To Jno. Beatty (colored)	12.00	
"	1	To Frankfort Printing Co., for books for Hist. Soc.	247.10	
	1	To Typewriting for His. Soc.....	3.10	
"	1	To Mr. Delveaux Coyle, publishing reports	30.00	
"	8	To W. W. Longmoor, Curator	100.00	
"	14	To East Tenn. Tel. Co. for Hist. Soc.....	2.75	
"	16	To Frankfort Tel. Co., for Hist. Soc.....	2.50	
"	16	To Coyle Press for stationery.....	8.50	
"	17	To Wm. Shannon on salary	11.00	
"	17	To A. C. Quisenberry for article for Register	25.00	
"	17	To Mrs. Annie H. Miles for assistance in Hist. Soc.	5.00	
"	21	To P. M., supplies, postage, etc., for Register	10.00	
"	24	P. M. to stamps for Hist. Soc.....	10.00	
"	24	To small expenses for Hist. Soc. July and August (see voucher)	6.53	
				602.48
Sept.	1	To Miss Sallie Jackson, Librarian .....$	40.00	
"	1	To Hon. H. V. McChesney, 1st Vice-Pres...	50.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Wm. Shannon, Attendant	14.00	

Sept.	2	To John Beatty (colored)	$12.00
"	2	To H. A. Gretter, photographer. Pictures for Register and Hist. Soc.....	4.20
"	2	To Frankfort Printing Co. for supplies....	4.25
"	4	To East Tenn. Tel. Co.....	5.95
"	4	To B. C. Fulton, repairs on piano.....	10.50
"	11	To Sec.-Treasurer, supplies for Hist. Soc...	2.41
"	15	To Wm. Shannon salary	14.00
"	15	To Sec-Treas. for money paid out for Hist. Soc. by order of Ex. Com. (see reports)..	42.00
"	15	To Frankfort Tel. Co.....	2.50
"	18	To Miss Sallie Jackson, Librarian Hist. Soc.	10.00
"	25	To Coyle Press for Programmes.....	3.50
"	26	To Frankfort Printing Co. for Sept. Register	219.25
"	27	To Mrs. Andrew Sea, Louisville, Ky., Pres. U. D. C., for Harpsichord for Hist. Soc.	141.00
"	29	To Sec.-Treas. Hist. Soc. for sundries for workmen for Hist Soc.	10.00
			$610.56
Oct.	2	To Miss Sallie Jackson, Librarian.....	$ 40.00
"	2	To H. V. McChesney, 1st Vice-President...	50.00
"	2	To W. W. Longmoor, Curator	25.00
"	2	To Wm. Shannon	11.00
"	2	To Jno. Beatty (colored)	12.00
"	2	To T. N. Lindsey, Louisville, boxing picture	.75
"	2	To Jno. G. Angus, tuning Harpsichord...	15.00
"	3	To Alfred Pirtle, Oct. meeting expense...	10.00
"	4	To H. A. Gretter, frame for watch for Hist. Soc.	1.25
"	4	To Miss Nina Hazelrigg, serving Hist. Soc. Oct. 3d	50.00
"	4	To East Tenn. Tel. Co., Hist. rooms	2.75
"	4	To Frankfort Printing Co. (see bill).....	8.75
"	4	To Adams Express Co.	1.20
"	5	To B. C. Fulton, piano for Hist. Soc.....	325.00
"	7	To C. E. Collins, mop, broom, polish, etc., for Hist. Soc.	1.25

Oct.	7	To A. C. Quisenberry, article for 1912 Register	$25.00	
"	9	To John P. Morton, Collin's History, for Hist. Soc.	10.00	
"	12	To Frankfort Tel. Co.	2.80	
"	14	To Wm. Shannon on salary	12.00	
"	14	To Jno. Joy Edson, Geo. Magazine one yr.	2.00	
"	20	To Mrs. E. Power, decorations for Hist. Soc. Oct. 3d	7.00	
"	21	To supplies for Hist. Soc	3.95	
"	27	To Ohio Valley Hist. Assn. 1810-1812	10.00	
"	25	To E. B. Weitzel for guests at hotel Oct. 3d	4.50	
"	25	To Alfred Pirtle, article for Register	15.00	
"	25	To W. W. Longmoor, Pittsburg Steamboat Centennial expense	100.00	
				$746.20
Nov.	1	To Miss Sallie Jackson	$ 40.00	
"	1	To Hon. H. V. McChesney	50.00	
"	1	To W. W. Longmoor, Curator	25.00	
"	1	To Wm. Shannon	14.00	
"	1	To John Beatty	12.50	
"	1	To Mrs. E. M. Hardin, for portrait of Gov. James Robinson	100.00	
"	1	To Coyle Press, for stationery	16.00	
"	2	To Typewriting	9.00	
"	4	To East Tenn. Tel. Co	3.00	
"	8	For sundries for Hist. Soc	4.50	
"	8	To Frankfort Printing Co., binding books.	6.00	
"	13	To Mrs. Ella H. Ellwanger, article for Register	10.00	
"	15	To W. Shannon	11.00	
"	16	To Geo. Baber, Washington, D. C	25.00	
"	16	To Mrs. Mary A. Bayne, books	2.50	
"	20	To Wm. Shannon	15.00	
"	21	To Typewriting	3.00	
"	21	To Frankfort Tel. Co	2.50	
"	21	To Mrs. Ella H. Ellwanger, article for Register	10.00	

Nov.	28	To Thos. K. Robb, hauling to Capitol for His. Soc	$2.00	
				$361.00
Dec.	1	To Miss Sallie Jackson	$ 40.00	
"	1	To Hon. H. V. McChesney	50.00	
"	1	To W. W. Longmoor	25.00	
"	1	To Wm. Shannon	14.00	
"	1	To Jno. Beatty (colored) porter	12.00	
"	4	To East Tenn. Tel. Co	2.95	
"	4	To Frankfort Printing Co., for books	99.20	
"	6	To Miss Toombs (for typewriting)	1.00	
"	8	To Col. J. Stoddard Johnson, article for Register	50.00	
"	9	To Sec.-Treas. for supplies for Hist. Soc . . .	2.56	
"	9	To W. Shannon, on salary	14.00	
"	14	To P. M., postage stamps	20.00	
"	15	To Frankfort Tel. Co	2.50	
"	15	To Typewriting	3.00	
"	27	To Wm. Shannon	12.00	
				348.21

RECAPITULATION.

RECEIPTS.

July	$5,010.00
August	44.00
September	11.00
October	17.25
November	7.00
December	12.50

EXPENDITURES.

July	$1,925.57
August	602.48
September	610.56
October	746.20
November	361.00
December	348.21
	$4,594.02

Cash balance State Nat. Bank July 1, 1911.....	$ 880.95	
Total receipts July 1 to Dec. 30, 1911.....	5,101.75	
Total expenditures July to Dec. 30, 1911.....		$4,594.02
Cash on deposit State Nat. Bank, Dec. 30, 1911.... ..		1,388.68
	$5,982.70	$5,982.70

TOTAL FUNDS OF THE SOCIETY.

Cash on deposit State National Bank, Dec. 30, 1911.....	$1,388.68
Cash on deposit Capital Trust Co. (Int. bearing) Dec. 1, 1911....	3,060.45
	$4,449.13

MRS. JENNIE C. MORTON,
Secretary-Treasurer and Regent.

Examined and approved:
H. V. McCHESNEY,
MISS SALLIE JACKSON, Librarian,
W. W. LONGMOOR.

Ordered that said communication and accompanying reports be referred to the Committee on Public Mounments and Historical Records.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a resolution of the following title, viz.:

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished the members of the General Assembly.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said reso-

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 41. An act to provide a stenographer for the Commonwealth's Attorney of Districts containing counties in the Commonwealth containing a population of 200,000 or over.

H. B. 7. An act for the benefit for the Kentucky Schools for the Deaf.

H. B. 31. An act qualifying and enabling women to vote for the election of School Trustees and other school officers chosen by the people except such officers as women may be disqualified from voting for by the Constitution, and upon school measures or questions submitted to a vote of the people, and to hold common school offices except such offices as women are disqualified from holding by the Constitution.

H. B. 40. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an act relating to children who are now or may become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised as amended by an act approved March 23, 1910, entitled an act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of

such children and to provide for the means whereby such powers may be exercised.

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal Government for the purpose of establishing a Fish Hatchery.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, said bills were severally read by their titles and ordered to be placed in the Orders of the Day.

A message was received from the Senate announcing that they had adopted Joint Resolutions of the following titles, viz.:

S. Res. 8. Resolution inviting former President Theodore Roosevelt and Hon. William Jennings Bryan to address this General Assembly.

S. Res. 9. Resolution providing for the commemoration of the death of the late Governor William Goebel.

Ordered that said resolutions lie on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 33. An act providing for the destruction of the carcass of swine dying from cholera and other diseases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where any pig, shoat or hog shall die of the disease commonly called "hog cholera," or any other disease, it shall be the duty of the owner or owners of such pig, shoat or hog, or the person or persons having the care or custody of the same having knowledge of the fact or upon receiving notice thereof, to cause the carcass of same to be burned within twelve hours or securely buried two and one-half feet deep.

§ 2. Any person or persons failing and refusing to comply with the above provisions shall be deemed guilty of a misdemeanor and upon the conviction thereof shall be fined in a sum not less than ten nor more than fifty dollars.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	J. M. Bean	E. Bishop
Eugene G. Asher	Eli Berry	H. C. Blades
P. L. Atherton	A. V. Bertram	John F. Brewer
George Baker	Thos. M. Bertram	Hiram Brown

Wallace Brown	John W. Holland	W. V. Perry
Wm. L. Bowling	James R. Howell	W. A. Price
C. W. Burton	R. Dillard Hunter	Stanley F. Reed
G. E. Carroll	John G. Kelley	S. L. Robertson
George P. Chinn	W. E. King	S. H. Rogers
Henry Chunn	M. C. Kirk	H. A. Schoberth
Elkanah Dickey	William J. Kuh	Robt. H. Scott
Francis B. Douglas	J. Albert Leach	W. A. Shawler
G. L. Drury	James A. Leach	Walter S. Sinclair
Ben F. Egleston	F. A. Lochry	W. Scott Smith
J. H. Elder	B. J. Matthews	Adam Spahn
Eli Farmer	Harry J. Meyers	John G. Stoll
John M. Farra	S. F. Middleton	E. B. Thompson
D. Clarence Gray	W. N. McCubbin	D. B. Thurman
T. J. Gregory	C. B. Nichols	Yeaman Watkins
Joe Hall	Ben E. Niles	E. B. Wiley
Elwood Hamilton	Luther C. Owings	David W. Wiley
V. D. Hammond	A. W. Palmer	B. S. Wilson
A. B. Hatton	W. F. Parker	Charles Yancy
L. B. Herrington	J. R. Paxton	—73
A. B. Holland	William A. Perry	

Those who voted in the negative were—

Allie T. Gaines	Earl C. Huntsman	W. J. Jackson
	John A. Polin	

—4

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 34. An act relating to Fiscal Courts.

Together with the amendment thereto as a substitute therefor heretofore proposed by the Committee on County and City Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all warrants which the Fiscal Court of any county of this Commonwealth may hereafter direct to be issued, shall bear interest at the rate of six (6) per cent per annum on the amount of the face of said warrants, said interest period to begin thirty (30) days after the date of the allowance by said court of the claim, or claims, upon which said warrant, or warrants, is, or are based, and to continue until same are paid, or until called in for payment by the Treasurer of the county in which same are issued.

Said substitute is as follows, viz.:

An act relating to Fiscal Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all warrants which the Fiscal Court of any county of this Commonwealth may direct to be issued shall bear interest at the rate of six per cent per annum on the amount of the face of said warrant. Provided that said warrant shall be presented for payment to the County Treasurer not more than thirty days after the date of the allowance of said claim by said County Court and that if payment shall be refused it shall draw interest at the rate six per cent per annum from that date until paid or until called in for payment by the Treasurer of the county by which same are issued.

Said substitute amendment was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Allie T. Gaines	J. R. Paxton
P. L. Atherton	V. D. Hammond	William A. Perry
George Baker	L. B. Herrington	W. V. Perry
J. M. Bean	A. B. Holland	John A. Polin
Eli Berry	John W. Holland	W. A. Price
Thos. M. Bertram	James R. Howell	Stanley F. Reed
E. Bishop	R. Dillard Hunter	S. L. Robertson
H. C. Blades	Earl C. Huntsman	S. H. Rogers
John F. Brewer	Green R. Keller	H. A. Schoberth
Hiram Brown	John G. Kelley	Robt. H. Scott
Wallace Brown	M. C. Kirk	W. A. Shawler
Wm. L. Bowling	William J. Kuh	Walter S. Sinclair
C. W. Burton	James A. Leach	W. Scott Smith
G. E. Carroll	J. Albert Leach	Adam Spahn
George P. Chinn	Harry J. Meyers	John G. Stoll
Henry Chunn	S. F. Middleton	E. B. Thompson
Elkanah Dickey	R. C. McClure	D. B. Thurman
Francis B. Douglas	W. N. McCubbin	Yeaman Watkins
G. L. Drury	C. B. Nichols	E. B. Wiley
Ben F. Egleston	Ben E. Niles	David W. Wiley
J. H. Elder	Luther C. Owings	B. S. Wilson
Eli Farmer	A. W. Palmer	Charles Yancy
John M. Farra	W. F. Parker	—68

Those who voted in the negative were—

Eugene G. Asher	T. J. Gregory	W. E. King
A. V. Bertram	Joe Hall	F. A. Lochry
D. Clarence Gray	W. J. Jackson	B. J. Matthews

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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 23. An act to provide for the erection and completion of a Governor's mansion and other necessary buildings connected therewith at the seat of government.

Said bill is as follows, viz.:

Whereas, the Governor's mansion at the Capitol is notoriously inadequate to furnish a proper home for the Governor of Kentucky; is now old and dilapidated and much out of repair, and whereas the present building does not comport with the dignity and wealth of the State, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the sinking fund of Kentucky by that name and style are hereby created and authorized as a board to carry out the provisions of this act

and erect and complete the buildings herein provided for. The buildings herein provided for shall be located and built upon the grounds, or lot adjacent thereto, now used for the State Capitol, and not elsewhere.

§ 2. Said board is authorized and empowered to erect and construct said building at a suitable site to be selected by it upon the present Capitol grounds in South Frankfort; but if in the judgment of said board there is no suitable site upon the present Capitol grounds, then it is authorized and directed to acquire lands adjacent thereto by purchase, or as hereinbefore provided, upon which to erect said building and the approaches thereto. And said board is further authorized and empowered to adopt plans and specifications for the construction and completion of a Governor's mansion for the State of Kentucky, as it may deem best and most suitable for the accommodation of the Governor and his family, and may change said plans as the necessity may arise in the progress of the work. After plans and specifications are adopted by said board, it shall advertise for sealed proposals or bidders for said work, or any part thereof, and said work shall be awarded to the lowest and best bidder, due regard being had to the responsibility of the bidder. Subcontractors shall in no case be recognized by the board, the responsibility to continue in the principals and their sureties. Every contractor for work or material under this act shall execute to the board a bond conditioned for the faithful performance of this contract, with surety to be approved by this board.

§ 3. The total expenditure for all purposes under this act, including putting furniture, carpets and curtains in the mansion shall not exceed $75,000, and to provide means therefor there is appropriated out of any funds now on hand and not otherwise appropriated $75,000, which will be

set apart by the Auditor of Public Accounts to the Treasury from the general revenue, the same to be paid out and expended for the purpose of the construction, completion and furnishing of said Governor's mansion at the seat of government and to be paid out by the Treasurer upon the order of the board when signed by its chairman and secretary.

§ 4. Said board shall hold its meetings at the seat of government and a majority thereof shall constitute a quorum, but no contract shall be approved except by four-fifths of all the members of the board. The said board shall keep a record of all of its proceedings and acts, and shall cause to be kept by the secretary a true and complete record of all the money paid out, to whom and for what purpose and under what order and contract. Monthly statements shall be made to the Governor by the said secretary, and a full and complete report shall be made to the General Assembly in regular or extra session.

§ 5. It shall be unlawful for any of said board, or any employee thereof (except the particular contractors), to be connected, either directly or indirectly, in any manner whatsoever, with any contract, or part thereof, for the erection of said Governor's mansion, or for any work connected therewith, or for furnishing any of the supplies or material therefor, or to receive any benefit therefrom, or the promise of any benefit therefrom, either by way of commission, rebate, bonus, division of profits, or otherwise, and anyone of said board or such employee, who shall violate the provisions of this act, shall be guilty of a felony, and, upon conviction thereof shall be subject to a fine not exceeding $500.00 and imprisonment in the penitentiary not exceeding two years. It shall be unlawful for said board to employ any person in the supervision of the building of said Governor's mansion, or in any way connected therewith, who may or shall become

in any manner connected, directly on indirectly, with any contract for the erection of said mansion, or for the furnishing of any material or supplies therefor; and the said board are hereby charged with the rigid enforcement of this provision.

§ 6. Said board shall erect and complete the buildings herein provided for, and shall effectuate the purpose of this act in accordance with the provisions hereof; and may employ a competent architect; also a superintendent of the building at a salary not exceeding $150.00 per month during the progress of said work.

§ 7. All original and supplemental contracts made by the board shall be in writing and signed by the party or parties, in duplicate, and one of the originals deposited in the office of the Auditor of Public Accounts, as a public record therein, and properly anthenticated copies thereof shall be evidence in all courts and other places. And the Franklin Circuit Court is given jurisdiction of all matters and issues which may arise under the provisions of this act.

§ 8. The said board may adopt such rules to carry out the work contemplated by this act as it may deem best for the interest of the State, and require a compliance with the same.

§ 9. In the event that said commissioners can not acquire the title to the land selected by them and all necessary approaches thereto by agreement with the owners thereof, whether by reason of disagreement as to the price, or the legal incapacity, or absence of the owner, or his inability to convey said title, or by reason of the owner or owners being unknown, or for any other cause, it shall be lawful for said commissioners to condemn and take such real estate, or

necessary easement, in the same manner and the compensation to be paid therefor shall be ascertained and paid in the same manner as provided in Sections 835 to 840, inclusive, of the Kentucky Statutes for the condemnation of lands by railroad companies.

Whereas, the necessity for the erection and completion of a Governor's mansion at the seat of government produces an emergency, this act shall take effect from and after its passage.

Mr. Hall offered the following amendment to said bill, viz.:

Amend by inserting in line two of section three after the word "including" the following words "purchase of site for erecting the said mansion and employment of architects as hereinafter provided."

Mr. Hamilton moved that the session of today be extended until said bill is disposed of.

Said motion was agreed to.

Mr. Clay mover that the further consideration of said bill be postponed and that same be made the Special Order for Monday the 29th instant at 1 o'clock p. m., and at that hour from day to day until disposed of.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 23, 1912.

The House was opened with prayer by the Rev. J. R. Zeigler of the Presbyterian Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Polin offered the following resolution, viz.:

Whereas, Henry Watterson, Editor of the Louisville Courier-Journal, is the greatest journalist in America today and has done a great deal to advance the cause of Democracy in the State of Kentucky and in the nation and whose editorials have been read with interest by the American people from coast to coast,

Be it resolved, That Henry Watterson be invited to address this General Assembly at some future date, to be fixed by him, and that a Committee of two be appointed to notify the distinguished journalist of this invitation.

Said resolution was adopted.

Whereupon the Speaker appointed Messrs. Polin and Drury as said Committee.

A message was received from the Senate announcing that they had passed the following resolution, viz.:

S. Res. 10. Resolution providing for the appointment of a committee from the Senate and House of Representatives to gather information concerning the State University at Lexington.

Ordered that said resolution lie on the Clerk's desk.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. L. C. Owings of the Committee on State Fair:

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same.

By Mr. Robertson of the Committee on Commerce and Manufacturing:

H. B. 50. An act providing for a Hospital Board for the management and control of the city hospitals in cities of the first class.

By same:

H. B. 49. An act appointing matrons for jails for cities of the first class.

By same:

H. B. 48. An act for the commutation of sentence for prisoners confined in jails of cities of the first class.

By same:

H. B. 51. An act to establish curfew hours in cities of the first and second class.

By Mr. D. W. Wiley of the Committee on Fish and Game:

H. B. 154. An act for the protection of fish and game.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 115. An act prohibiting waiters and servants from accepting tips in hotels, restaurants, barber shops and pullman cars.

Together with an amendment thereto.

By same:

H. B. 69. An act repealing the Charter of the Adairville public school district.

By same:

H. B. 104. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat of this State.

By same:

H. B. 35. An act to amend Section 909, 911 and 1632 of the Kentucky Statutes of 1909 and complied by the Hon. John D. Carroll.

Together with an amendment thereto.

By same:

H. B. 68. An act providing for the uniform accounting and inspection of public offices in Kentucky.

With an amendment thereto by way of substitute therefor.

By Mr. Atherton of the Committee on Municipalities:

H. B. 38. An act to amend Section 3783 Kentucky Statutes relating to the salaries of patrols of counties having a population of over 150,000 inhabitants.

By Mr. John W. Holland of the Committee on Geological Survey:

H. B. 76. An act establishing and governing a Geological Survey of Kentucky and removing present Survey and Museum from Lexington to Frankfort, Kentucky.

With an amendment thereto by way of substitute therefor.

The Enrolling Clerk delivered to the Chief Clerk of the House the originals and enrolled resolutions which originated in the House of the following titles, viz.:

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished the members of the General Assembly.

H. Res. 3. Resolution providing for copies of the Governor's message to be placed on the desk of each member of House and Senate and on desk of Governor.

The enrolled copies having been signed by the President of the Senate.

Ordered that the Chief Clerk deliver the enrolled resolutions which have been signed by the presiding officers of the House and Senate, to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. H. J. Meyers called up for consideration from the Clerk's desk a resolution which originated in the Senate entitled:

S. Res. 9. Resolution providing for the commemoration of the death of the late Governor, William Goebel.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the President of the Senate appoint six members of this body, to act in conjunction with a like number to be appointed by the Speaker of the House of Representatives, to arrange for proper and suitable services to be held on February 3, 1912, to commemorate the death of Governor William Goebel.

Said resolution was concurred in.

Thereupon the Speaker under and by virtue of said resolution appointed the following members to represent the House on said Joint Committee, viz.: Messrs. Farra, Wallace Brown, Schoberth, Douglas, Berry and H. J. Meyers.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 11. An act to amend An act for the government of cities of the fourth class, approved June 28, 1893, relating to the reconstruction of the public ways of cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3565 of the Kentucky Statutes as compiled by John D. Carroll, being a part of the charter of cities of the fourth class be repealed, and that there be enacted in lieu thereof the following:

§ 1. The cost of reconstructing public ways, streets or alleys or repairing of same, and the cost of making footway crossings, shall be borne exclusively by the city, provided, however, that in the reconstruction of any street, or alley, or any part thereof not less than one square, the board of council may, by ordinance, upon the petition of the owners of a majority of the front or abutting feet of the real estate fronting or abutting on such proposed improvement, or without a petition by an affirmative vote of two-thirds of the members elect of said board of council, provide that such reconstruction of such ways including intersections shall be made, one half at the cost of the owners of the real estate fronting or abutting on such improvement, and the remainder thereof at the cost of the city, provided further, that where such improvements is made on streets or

public ways occupied or used by street railroad companies then and in that event, such companies so occupying such street so improved, shall pay the cost of the reconstruction of that portion of the street, between the rails of its tracks, and for a distance of eighteen inches on the outside thereof, and where there is a double track it shall also pay in addition thereto, all of the cost of the improvement of the street between said double tracks, the same to be estimated by the city engineer and paid in the same manner as other persons, or the city which is responsible for their or its proportion of said work.

Such cost of reconstruction which is to be paid by the property owners shall be apportioned among and assessed upon the lots or parcels of real estate, and the owners thereof, abutting or fronting on such improvement, according to the number of front or abutting feet, and there shall be a lien in favor of the contractor upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same bear interest at the rate of six per centum per annum from time the assessment is made. All such liens may be enforced by action.

Mr. Schoberth offered the following amendment to said viz.:

Amend so that lines 13 and 14 shall read "provided that nothing in this act shall be construed to apply to side walks."

Said amendment was agreed to.

Mr. Reed offered the following amendment to said bill, viz:

Amend so that lines 13 and 14 shall read "provided further that where any improvement either of original construction or reconstruction is made on streets or public ways."

And so that line 17 shall read "the construction or reconstruction."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

William Ahl	W. Frank Cole	L. B. Herrington
Robert H. Akin	Sidney J. Collins	A. B. Holland
P. L. Atherton	W. L. Craig	John W. Holland
George Baker	Elkanah Dickey	R. Dillard Hunter
J. M. Bean	Francis B. Douglas	W. J. Jackson
Eli Berry	G. L. Drury	Green R. Keller
Thos. M. Bertram	Ben F. Egleston	John G. Kelley
E. Bishop	J. H. Elder	W. E. King
H. C. Blades	Eli Farmer	M. C. Kirk
Hiram Brown	John M. Farra	Charles H. Knight
Wallace Brown	S. Walton Forgy	William J. Kuh
Wm. L. Bowling	Allie T. Gaines	James A. Leach
C. W. Burton	D. Clarence Gray	J. Albert Leach
G. E. Carroll	T. J. Gregory	Hugh Mahin
George P. Chinn	Joe Hall	B. J. Matthews
Henry Chunn	Elwood Hamilton	Harry J. Meyers
Sidney G. Clay	A. B. Hatton	S. F. Middleton

R. C. McClure	W. V. Perry	Adam Spahn
Charles D. McCrea	Marion F. Pogue	John G. Stoll
W. N. McCubbin	John A. Polin	Henry Thomas
C. B. Nichols	W. A. Price	C. B. Thompson
Ben E. Niles	Stanley F. Reed.	E. B. Thompson
L. B. Owen	S. L. Robertson	D. B. Thurman
Luther C. Owings	S. H. Rogers	E. B. Wiley
A. W. Palmer	Robt. H. Scott	David W. Wiley
W. F. Parker	W. A. Shawler	B. S. Wilson
J. R. Paxton	Walter S. Sinclair	Charles Yancy
William A. Perry	W. Scott Smith	Edward L. Young

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Those who voted in the negative were—

Eugene G. Asher

Mr. Reed offered the following amendment to the title of said bill, viz.:

Amend the title by inserting the words "relating to the construction or reconstruction."

Said amendment was agreed to.

Resolved that the title of said bill be as follows, viz.:

An act to amend an act for the government of cities of the fourth class, approved June 28, 1893, relating to the construction or reconstruction of the public ways of cities of the fourth class.

Mr. John W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 7. An act for the benefit of the Kentucky School for the Deaf.

Mr. Collins moved to postpone the consideration of said bill and that the same be made the Special Order of the Day for tomorrow at 11 o'clock, a. m.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 41. An act to provide a stenographer for the Commonwealth's Attorney of districts containing counties in the Commonwealth containing a population of 200,000 or over.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties in this Commonwealth having a population of 200,000 or over, there is hereby created the office of stenographer to the Commonwealth's Attorney. Said stenographer shall be appointed by the Commonwealth's Attorney for a term of four years, but may be removed at any time by said Commonwealth's Attorney.

§ 2. It shall be the duty of said stenographer to do stenographic work and typewriting for said Commonwealth's Attorney; and said stenographer shall perform

such other duties as may be assigned to him by said Commonwealth's Attorney.

§ 3. Said stenographer shall by virtue of his office have the same power of administering an oath as a Notary Public.

§ 4. The salary of said stenographer shall be twelve hundred dollars per annum payable out of the county levy in equal monthly installments.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Wm. L. Bowling	S. Walton Forgy
Robert H. Akin	C. W. Burton	Allie T. Gaines
Eugene G. Asher	G. E. Carroll	D. Clarence Gray
P. L. Atherton	George P. Chinn	T. J. Gregory
George Baker	Sidney G. Clay	Joe Hall
J. M. Bean	Sidney J. Collins	Elwood Hamilton
Eli Berry	W. L. Craig	V. D. Hammond
A. V. Bertram	Elkanah Dickey	A. B. Hatton
Thos. M. Bertram	G. L. Drury	L. B. Herrington
E. Bishop	Ben F. Egleston	A. B. Holland
John F. Brewer	J. H. Elder	John W. Holland
Hiram Brown	Eli Farmer	James R. Howell
Wallace Brown	John M. Farra	R. Dillard Hunter

W. J. Jackson	C. B. Nichols	Robt. H. Scott
Green R. Keller	Ben E. Niles	W. A. Shawler
John G. Kelley	L. B. Owen	W. Scott Smith
W. E. King	Luther C. Owings	Adam Spahn
M. C. Kirk	A. W. Palmer	John G. Stoll
Charles H. Knight	W. F. Parker	Henry Thomas
William J. Kuh	J. R. Paxton	C. B. Thompson
James A. Leach	William A. Perry	E. B. Thompson
J. Albert Leach	W. V. Perry	D. B. Thurman
Hugh Mahin	Marion F. Pogue	Yeaman Watkins
B. J. Matthews	John A. Polin	E. B. Wiley
Harry J. Meyers	W. A. Price	B. S. Wilson
S. F. Middleton	Stanley F. Reed	Charles Yancy
R. C. McClure	S. L. Robertson	Edward L. Young
Charles D. McCrea	S. H. Rogers	—85
W. N. McCubbin	H. A. Schoberth	

Those who voted in the negative were—

Henry Chunn	David W. Wiley	—2

Resolved that the title thereof be as aforesaid.

Mr. Spahn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 40. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an act relating to children who are now or may become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to

provide for the means whereby such powers may be exercised as amended by an act approved March 23, 1910, entitled to an act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky approved March 19, 1908, entitled an act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section two of an Act entitled, "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," approved March 19, 1908, being Chapter 67 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1908, as amended by an act approved March 23, 1910, being Chapter 77 of the Acts of the General Assembly of the Commonwealth of Kentucky, for the year 1910, entitled "An Act to amend section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an "Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with refer-

ence to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," be and the same is hereby amended by adding at the conclusion of said section the following words: "The Clerk of the County Court of each county shall, by virtue of his office, be clerk of 'The Juvenile Session of the County Court,' and he may designate a deputy to act for him. He shall attend all sessions of said court and shall keep the books provided for in this section, and a full and complete record of all its proceedings, with a proper index. For his services the Fiscal Court shall annually make him a reasonable allowance, to be paid out of the county levy," so that said section, as amended, shall read as follows:

"The County Courts of the several counties of this State shall have exclusive jurisdiction in all cases coming within the terms and provisions of this Act. In proceedings under this Act the child brought before the court or any person interested in such child, shall have the right to demand for it a trial by jury, which shall be granted as in other cases unless waived, or the judge of his own motion may call a jury to try such case. A special record book or books shall be kept by the court for all cases coming within the provisions of this Act, to be known as 'The Juvenile Record' and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this Act shall be known as 'The Juvenile Docket,' and for convenience the court in the trial and disposition of such cases may be called "The Juvenile Session of the County Court." In counties containing a city of the first class, a special court-room for the hearing of all cases arising under this Act shall be provided by the Fiscal Court of the county, or the Board of County Commissioners as the case may be and said court-room may be provided either in the courthouse of the county or in some other building, and said Fiscal

Court of the county or Board of County Commissioners as the case may be shall provide suitable quarters for the probation officers hereinafter provided for, either in the courthouse of the county, or in some other building. Between the first and thirty-first days of October of each year, the clerks of the County Court shall submit to the Governor a report in writing upon blanks to be furnished by the Secretary of State, showing the number and disposition of delinquent, dependent or neglected children brought before such court, together with such other useful information regarding such cases, and the parentage of such children as may be reasonably obtained at the trial thereof; Provided, That the name or identity of any such child or parent shall not be disclosed in such report, and that such report, shall not be published at State expense. The clerk of the County Court of each county shall, by virtue of his office, be clerk of 'The Juvenile Session of the County Court,' and he may designate a deputy to act for him. He shall attend all sessions of said court and shall keep the books provided for in this section, and a full and complete record of all its proceedings, with a proper index. For his services the Fiscal Court shall annually make him a reasonable allowance, to be paid out of the county levy.''

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	S. Walton Forgy	C. B. Nichols
Robert H. Akin	Allie T. Gaines	Luther C. Owings
Eugene G. Asher	D. Clarence Gray	A. W. Palmer
P. L. Atherton	Joe Hall	W. F. Parker
George Baker	Elwood Hamilton	J. R. Paxton
J. M. Bean	V. D. Hammond	William A. Perry
Eli Berry	A. B. Hatton	W. V. Perry
A. V. Bertram	L. B. Herrington	Marion F. Pogue
E. Bishop	A. B. Holland	John A. Polin
John F. Brewer	John W. Holland	S. L. Robertson
Hiram Brown	James R. Howell	H. A. Schoberth
Wallace Brown	R. Dillard Hunter	Robt. H. Scott
Wm. L. Bowling	Earl C. Huntsman	Walter S. Sinclair
C. W. Burton	Green R. Keller	W. Scott Smith
G. E. Carroll	John G. Kelley	Adam Spahn
George P. Chinn	W. E. King	John G. Stoll
Henry Chunn	M. C. Kirk	Henry Thomas
Sidney G. Clay	Charles H. Knight	C. B. Thompson
W. Frank Cole	William J. Kuh	E. B. Thompson
Sidney J. Collins	James A. Leach	D. B. Thurman
W. L. Craig	J. Albert Leach	Yeaman Watkins
Elkanah Dickey	Hugh Mahin	E. B. Wiley
G. L. Drury	B. J. Matthews	David W. Wiley
Ben F. Egleston	S. F. Middleton	B. S. Wilson
J. H. Elder	R. C. McClure	Charles Yancy
Eli Farmer	Charles D. McCrea	Edward L. Young
John M. Farra	W. N. McCubbin	—80

Those who voted in the negative were—

T. J. Gregory	W. J. Jackson	L. B. Owen

—3

Resolved that the title thereof be as aforesaid.

Mr. Spahn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 31. An act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people except such officers as women may be disqualified from voting for by the Constitution and upon school measures or questions submitted to a vote of the people and to hold common school offices except such offices as women are disqualified from holding by the Constitution.

Mr. Niles moved that the further consideration of said bill be postponed and that same be made the Special Order of the Day for Thursday, next, 25th instant, at 11 o'clock a. m.

Said motion was agreed to.

The house took up for consideration from the Orders of the Day a bill entitled,

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal Government for the purpose of establishing a Fish Hatchery.

Mr. Wilson moved that the further consideration of said bill be postponed and that same be made the Special Order

of the Day for Thursday next, the 25th instant, at 11:30 o'clock, a. m.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 24, 1912.

The House was opened with prayer by the Rev. R. L. Cowan, of the Presbyterian Church, Southern Assembly, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Harry J. Meyers offered the following resolution, viz.:

Whereas, it is the sense of the House of Representatives that the prompt and effective dispatch of the present and contingent business of this body requires the services of a clerk to committees whose duty shall be a discharge such duties and perform such services as may be required of him by any chairman of the standing committees of this House.

Whereas, the duties of the present officers of the House of Representatives are such that their time is wholly taken up with the necessary duties,

Therefore, Be it resolved by the House of Representatives:

1. That C. W. Longmire be named as Clerk to Committees whose duties shall be such as hereinafter set out.

2. That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of said C. W. Longmire so named for the sum of five dollars per day during the present term of the General Assembly, and the Clerk of the House of Representatives is directed to certify the services of said C. W. Longmire to the Auditor of Public Accounts in the same manner and at the same time as for other contingent expenses of the House.

Said resolution was disagreed to.

The yeas and nays being required thereon by Messrs. Chunn and Smith were as follows, viz.:

Those who voted in the affirmative were—

Thos. M. Bertram	R. Dillard Hunter	John A. Polin
E. Bishop	Earl C. Huntsman	Stanley F. Reed
C. W. Burton	W. E. King	H. A. Schoberth
W. Frank Cole	Charles H. Knight	W. A. Shawler
W. L. Craig	William J. Kuh	Adam Spahn
Ben F. Egleston	F. A. Lochry	John G. Stoll
John M. Farra	Harry J. Meyers	C. B. Thompson
John F. Fryer	S. F. Middleton	E. B. Thompson
Allie T. Gaines	Charles D. McCrea	D. B. Thurman
Elwood Hamilton	W. F. Parker	B. S. Wilson
A. B. Hatton	J. R. Paxton	—33
John W. Holland	William A. Perry	

Those who voted in the negative were—

William Ahl	G. L. Drury	B. J. Matthews
Eugene G. Asher	J. H. Elder	R. C. McClure
George Baker	Eli Farmer	W. N. McCubbin
J. M. Bean	S. Walton Forgy	C. B. Nichols
Eli Berry	D. Clarence Gray	Ben E. Niles
A. V. Bertram	T. J. Gregory	L. B. Owen
H. C. Blades	Joe Hall	A. W. Palmer
John F. Brewer	V. D. Hammond	S. H. Rogers
Hiram Brown	A. B. Holland	Robt. H. Scott
Wallace Brown	James R. Howell	W. Scott Smith
Wm. L. Bowling	W. J. Jackson	Henry Thomas
G. E. Carroll	Green R. Keller	Yeaman Watkins
George P. Chinn	John G. Kelley	David W. Wiley
Henry Chunn	M. C. Kirk	J. H. Williams
Sidney J. Collins	James A. Leach	Charles Yancy
Elkanah Dickey	J. Albert Leach	—47

The Speaker laid before the House the following announcement, viz.:

Frankfort, Ky., Jan. 24, 1912.

Under and by authority vested in me by joint rule No. 11, I hereby designate and fix the time for the joint meeting of the Senate and House, for the purpose of electing a State Librarian for Thursday, January 25, 1912, at 12 o'clock, m.

CLAUDE B. TERRELL, *Speaker.*

House of Representatives.

Ordered that said announcement be entered upon the Journal of the House by the Clerk thereof and a copy of said order be certified and delivered to the Senate and the Clerk thereof. After a time the Chief Clerk of the House announced that he had discharged that duty.

A message was received from the Governor announcing that he had approved and signed Joint Resolutions which originated in the House of Representatives of the following titles, viz.:

H. Res. 2. Resolution providing that copies of Kentucky Statutes and Codes of Practice be furnished the members of the General Assembly of the Commonwealth of Kentucky.

H. Res. 3. Resolution providing for copies of the Governor's message to be placed on the desk of each member of the House and Senate and on the desk of the Governor.

Mr. Hamilton called up for consideration from the Clerk's desk a resolution entitled,

H. Res. 7. Resolution authorizing the Stenographers of the Senate and House to purchase typewriting machines for their use during this session.

(For resolution see House Journal, January 19.)

Mr. Schoberth offered the following amendment to said resolution, viz.:

Amend by adding thereto the following: At the close of this session of the General Assembly, the same to be placed in the care of the State Librarian to be held by him as is the other property of the State.

Said amendment was agreed to.

Said resolution as amended was adopted.

The yeas and nays being taken on the adoption of said resolution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	S. Walton Forgy	W. N. McCubbin
Robert H. Akin	Allie T. Gaines	C. B. Nichols
Eugene G. Asher	T. J. Gregory	Ben E. Niles
George Baker	Joe Hall	L. B. Owen
J. M. Bean	Elwood Hamilton	Luther C. Owings
Eli Berry	V. D. Hammond	A. W. Palmer
Thos. M. Bertram	A. B. Hatton	W. F. Parker
E. Bishop	L. B. Herrington	Marion F. Pogue
H. C. Blades	A. B. Holland	John A. Polin
John F. Brewer	John W. Holland	W. A. Price
Wallace Brown	James R. Howell	Stanley F. Reed
Wm. L. Bowling	R. Dillard Hunter	S. H. Rogers
C. W. Burton	W. J. Jackson	H. A. Schoberth
G. E. Carroll	Green R. Keller	Robt. H. Scott
George P. Chinn	W. E. King	Adam Spahn
Sidney G. Clay	William J. Kuh	John G. Stoll
W. Frank Cole	James A. Leach	Henry Thomas
Sidney J. Collins	J. Albert Leach	C. B. Thompson
Elkanah Dickey	F. A. Lochry	E. B. Thompson
Francis B. Douglas	Hugh Mahin	D. B. Thurman
G. L. Drury	B. J. Matthews	B. S. Wilson
Ben F. Egleston	Harry J. Meyers	Charles Yancy
J. H. Elder	S. F. Middleton	—70
John M. Farra	Charles D. McCrea	

Those who voted in the negative were—

Henry Chunn	John G. Kelley	W. Scott Smith
Eli Farmer	M. C. Kirk	Yeaman Watkins
D. Clarence Gray	R. C. McClure	David W. Wiley
	W. A. Shawler	—10

The hour of 11 o'clock a. m. having arrived, the hour of the Special Order of the Day,

The House took up for consideration a bill entitled,

H. B. 7. An act for the benefit of the Kentucky School for the Deaf.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seven hundred and fifty dollars is hereby appropriated to the Kentucky School for the Deaf at Danville, Kentucky, out of the general revenue of the State, not otherwise appropriated, for the purpose of grading and constructing one thousand feet of concrete curb and gutter on Third street in the city of Danville, in front of the property of the said Kentucky School for the Deaf, this appropriation being necessary to comply with the demands of the Board of Council of said city.

§ 2. Whereas there has been no change in the per capita allowance for the support and maintenance of the white deaf pupils attending the Kentucky School for the Deaf since 1852, and whereas the amount being received for that purpose is now inadequate on account of the increase in the cost of living, therefore the allowance is hereby increased from one hundred and forty dollars per annum for each white deaf pupil to one hundred and fifty dollars per annum from February 1, 1912.

§ 3. The same per capita allowance made to the pupils of the school for the white deaf under this act, shall apply also to the pupils of the school for the colored deaf.

§ 4. The said appropriations made under this act shall be paid to the Board of Commissioners of the Kentucky School for the Deaf in the same manner as already provided by law, and any unexpended balance of the appropriation for concrete curb and gutter under section one of this act shall cover into the State Treasury.

§ 5. Because of the urgent need of the appropriations herein mentioned, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Mr. Hall moved that the further consideration of said bill be postponed and that same be made the Special Order of the Day on Monday, February the 12th, proximo, at one o'clock p. m.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl	J. M. Bean	E. Bishop
Robert H. Akin	Eli Berry	H. C. Blades
Eugene G. Asher	A. V. Bertram	John F. Brewer
George Baker	Thos. M. Bertram	Hiram Brown

Wallace Brown	A. B. Holland	Luther C. Owings
Wm. L. Bowling	John W. Holland	A. W. Palmer
C. W. Burton	James R. Howell	W. F. Parker
G. E. Carroll	R. Dillard Hunter	J. R. Paxton
George P. Chinn	Earl C. Huntsman	William A. Perry
Sidney G. Clay	W. J. Jackson	W. V. Perry
W. Frank Cole	Green R. Keller	Marion F. Pogue
Sidney J. Collins	John G. Kelley	John A. Polin
W. L. Craig	W. E. King	W. A. Price
Elkanah Dickey	M. C. Kirk	Stanley F. Reed
Francis B. Douglas	Charles H. Knight	S. L. Robertson
G. L. Drury	William J. Kuh	S. H. Rogers
Ben F. Egleston	James A. Leach	H. A. Schoberth
J. H. Elder	J. Albert Leach	Robt. H. Scott
Eli Farmer	F. A. Lochry	Adam Spahn
John M. Farra	Hugh Mahin	John G. Stoll
S. Walton Forgy	B. J. Matthews	Henry Thomas
John F. Fryer	Harry J. Meyers	C. B. Thompson
Allie T. Gaines	S. F. Middleton	E. B. Thompson
T. J. Gregory	R. C. McClure	D. B. Thurman
Joe Hall	Charles D. McCrea	Yeaman Watkins
Elwood Hamilton	W. N. McCubbin	David W. Wiley
V. D. Hammond	C. B. Nichols	B. S. Wilson
A. B. Hatton	Ben E. Niles	Charles Yancy
L. B. Herrington	L. B. Owen	—86

Those who voted in the negative were—

Henry Chunn	D. Clarence Gray	W. Scott Smith

—3

Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 92. An act for the benefit of the Department of Agriculture, Labor and Statistics, appropriating money thereto and enlarging the powers thereof.

By same:

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenues for the maintenance of said Experiment Station and for conducting experiments in various lines of agriculture and to meet the increased demands made upon it as a public institution.

By Mr. Wallace Brown of the Committee on Corporate Institutions:

H. B. 91. An act to provide for the sale and purchase of the asset of a corporation created under the laws of this Commonwealth whose charter will expire within three years from the date of such sale and purchase.

With an amendment thereto.

By Mr. L. B. Owen of the Committee on Classification of Cities and Towns:

H. B. 6. An act to change the name of Mt. Pleasant to Harlan and to put the City of Harlan in the fourth class.

With an amendment thereto.

By Mr. Carroll of the Committee on County and City Courts:

H. B. 99. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District.

By same:

H. B. 119. An act providing for the supplying of the records of County Surveyors' offices where same have been destroyed.

By same:

H. B. 124. An act to amend Section 513 of the Kentucky Statutes relating to indexing.

By Mr. Lochry of the Committee on Codes of Practice:

H. B. 72. An act amending paragraph 1 of Section 606 of Carroll's 1906 edition of the Kentucky Civil Code of Practice.

By Mr. E. B. Thompson of the Committee on Criminal Law:

H. B. 96. An act to repeal an act entitled "An act to repeal Section 1136, Chapter 36, Kentucky Statutes, and to substitute therefor and to re-enact Section 1136 of Kentucky Statutes.

By same:

H. B. 14. An act to amend An act entitled "Crimes and punishments" which became a law on the 10th day of April, 1893.

By Mr. Pogue of the Committee on Education No. 1:

H. B. 103. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909 (page 133, Act of March 24, 1908), Districts, Trustees, Teachers, Taxation.

By same:

H. B. 17. An act to amend an act entitled "An act for the government and regulation of the common schools in this State, approved March 24, 1908.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 105. An act to provide for payment to all jurors summoned for service in the Circuit Courts of the Commonwealth of Kentucky.

By Mr. Bean of the Committee on Juvenile Courts and Children's Home:

H. B. 42. An act creating a parental home and school commission in counties containing a city of the first class, defining the powers and duties thereof and empowering and requiring Fiscal Courts to levy a tax to create funds for the purpose of this act.

With an amendment by way of substitute therefor.

By Mr. Forgy of the Committee on Redistricting—Judicial:

H. B. 19. An act creating the Thirty-fifth Judicial District of Kentucky.

By Mr. Keller of the Committee on Tuberculosis:

H. B. 118. An act intended to prevent the spread of tuberculosis and other infectious diseases in the public schools of Kentucky and providing penalties for violation thereof.

By Mr. Howell of the Committee on Insurance—Fire:

H. B. 62. An act relating to fire, lightning, hail, wind storms, and sprinkler leakage insurance and to regulate and control the rates of premium thereon and create a State Insurance Board, defining the powers and duties of said Board.

With sundry amendment thereto.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

By Mr. Carroll of the Committee on County and City Courts:

H. B. 137. An act creating official interpreter for Circuit Court Districts and fixing the salary thereof.

With the expression of opinion that said bill ought not to pass.

The question being taken "shall said bill be read, the opinion of the Committee to the contrary notwithstanding," it was decided in the negative.

And so said bill was rejected.

By Mr. E. B. Thompson of the Committee on Criminal Law:

H. B. 21. An act to regulate the carrying of deadly weapons.

With the expression of opinion that said bill ought not to pass.

Mr. Hall moved that said bill be recommitted to the Committee on Criminal Law.

Said motion was agreed to.

By Mr. Kelly of the Committee on Cities of the Fifth and Sixth Class.

H. B. 122. An act to repeal the Charter of the town of Grand Rivers in Livingston County.

Mr. Kelly moved that said bill be recommitted to the Committee on Clasification of Cities and Towns.

Said motion was agreed to.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same.

H. B. 50. An act providing for a Hospital Board for the management and control of the city hospital in cities of the first class.

H. B. 49. An act appointing matrons for jails for cities of the first class.

H. B. 48. An act for the commutation of sentence for prisoners confined in jail of cities of the first class.

H. B. 51. An act to establish curfew hours in cities of the first and second class.

H. B. 154. An act for the protection of fish and game.

H. B. 115. An act prohibiting waiters and servants from accepting tips in hotels, restaurants, barber shops and Pullman cars.

Together with an amendment thereto.

H. B. 69. An act repealing the charter of the Adairville public school district.

H. B. 104. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat of this State.

H. B. 35. An act to amend Sections 909, 911, and 1632 of the Kentucky Statutes of 1909, and compiled by the Hon. John D. Carroll.

Together with an amendment thereto.

H. B. 68. An act providing for the uniform accounting and inspection of public offices in Kentucky.

With an amendment by way of substitute therefor.

H. B. 38. An act to amend Section 3783, Kentucky Statutes, relating to the salaries of patrols of counties having a population of over 150,000 inhabitants.

H. B. 76. An act establishing and governing a Geological Survey of Kentucky and removing present Survey and Museum from Lexington to Frankfort, Kentucky.

With an amendment thereto by way of substitute therefor.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

And then the House adjourned.

THURSDAY, JANUARY 25, 1912.

The House was opened with prayer by the Rev. J. R Zeigler of the Presbyterian Church, North, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows viz.:

By Mr. Huntsman:

H. B. 300. An act to amend an act of March 15, 1906, relating to revenue and taxation by providing for a license tax upon school text book companies, corporations, associations, copartnerships and individuals doing business in this State.

To Committee on Education No. 2.

By same:

H. B. 301. An act to amend Section 4281m, Kentucky Statutes, by inserting the words "and personal" between the words "real" and "property."

To Committee on Revenue and Taxation.

By Mr. Dickey:

H. B. 302. An act designating the method of selecting a person to act in the absence or disqualification of a County Judge.

To Committee on County and City Courts.

By Mr. Clay:

H. B. 304. An act providing for the amendment of Section 201 of the Constitution of the Commonwealth of Kentucky.

To Committee on Kentucky Statutes.

By Mr. Douglas:

H. B. 305. An act to provide salary for a probation officer for counties having a population of 30,000 or containing a city of the third of fourth class.

To Committee on Juvenile Courts and Children's Home.

By Mr. Thurman:

H. B. 306. An act to regulate trusts, corporations and combines and making the violation of the law a felony and prescribing the penalty therefor.

To Committee on Criminal Law.

By Mr. Stoll:

H. B. 307. An act concerning pensions for aged, infirm, disabled or retired teachers.

To Committee on Municipalities.

By Mr. Hall:

H. B. 308. An act to regulate the collection of house rent from miners employed by companies or corporations owning or operating mines who lease houses to their employees in this Commonwealth.

To Committee on Mines and Mining.

By Mr. Hamilton:

H. B. 309. An act providing for the keeping of record books of the Quarterly Court, providing for a Clerk and deputy, fixing a compensation and making a special provision as to Jefferson County regarding the disposition of fees.

To Committee on County and City Courts.

By Mr. Burton:

H. B. 310. An act relating to the qualifications of Superintendents of Common Schools.

To Committee on Education No. 1.

By Mr. Kelley:

H. B. 311. An act forcing all individuals, firms or corporations who buy or handle tobacco in Kentucky in the loose leaf or otherwise for speculation or storage or shipments to other States or countries, to make a report to the Secretary of State of the number of pounds bought, the total cost of same.

To Committee on Agriculture.

By Mr. Knight:

H. B. 312. An act to amend Chapter 60 of the Legislative acts of the Session of 1910, being an act entitled "An act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State."

To Committee on Agriculture.

By Mr. Spahn:

H. B. 313. An act to regulate the employment of corporations.

To Committee on Kentucky Statutes.

By same:

H. B. 314. An act to regulate the occupation of barbering to create a Board of Examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners to provide rules regulating the proper sanitation of barber shops, schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service.

To Committee on Tuberculosis.

By Mr. W. A. Perry:

H. B. 315. An act to provide for oil warehouses.

To Committee on Warehouses and Granaries.

By Mr. Kirk:

H. B. 316. An act to regulate the employment of physicians or surgeons by companies or corporations operating a coal mine in this Commonwealth.

To Committee on Mines and Mining.

By Mr. C. B. Thompson:

H. B. 317. An act to prohibit the use of the word "bank" or "trust" as a part of any name or title, or in advertisement by any person, firm, association or corporation, excepting by such corporations as are authorized under and comply with the laws relating to a bank or trust company and providing a penalty for the violation thereof.

To Committee on Judiciary.

By Mr. Price:

H. B. 318. An act to repeal and re-enact Section 950 of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By same:

H. B. 319. An act to amend and re-enact Section 960, Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Howell:

H. B. 320. An act to amend Section 4224, Kentucky Statutes, Carroll's edition, in regard to revenue and taxation.

To Committee on Revenue and Taxation.

By Mr. Scott:

H. B. 321. An act to amend an act entitled "An act to further regulate the Bureau of Agriculture, Labor and Statistics," approved March 17, 1902 and being Section 33a of the Kentucky Statutes.

To Committee on Immigration and Labor.

By Mr. Craig:

H. B. 322. An act for the benefit of aged teachers in the common schools.

To Committee on Education No. 1.

By same:

H. B. 323. An act to amend an act of Kentucky Statutes 1309, in regard to carrying concealed weapons and providing a license for same to go to the benefit of the county roads.

To Committee on Criminal Law.

By Mr. Bowling:

H. B. 324. An act to change the city of Pikeville, Kentucky, from the fifth to a fourth class city.

To Committee on Classification of Cities and Towns.

By Mr. Forgy:

H. B. 325. An act to amend Chapter 110, Section 4313 of Kentucky Statutes, Carroll Edition, 1909, which said section, chapter and act is part of Section 27, Chapter 47 of the Acts of 1894, which was approved March 10, 1904, and relates to public roads.

To Committee on Public Roads and Highways.

By Mr. Cole:

H. B. 326. An act to amend Article 4 of Chapter 89 of the Kentucky Statutes, John D. Carroll's edition thereof, of 1909, known as the Act of June 14, 1893, with amendments thereto, same relating to the government of cities of the third class in the Commonwealth of Kentucky.

To Committee on Municipalities.

By Mr. McClure:

H. B. 327. An act to amend an act entitled "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth classes, and to enable boards of school trustees of cities of the first and second class to establish and maintain parental

or truant schools for the care and discipline of truant children and for the purpose of reducing truancy."

To Committee on Criminal Law.

By Mr. Collins:

H. B. 328. An act in relation to public schools, teachers therein, examinations for certificates and the eligibility of a teacher to hold the office of Superintendent of County Schools.

To Committee on Education No. 1.

By Mr. Williams:

H. B. 239. An act to regulate the time of holding the terms of the Circuit Courts in the Twentieth Judicial District.

To Committee on Circuit Courts.

By Mr. Shawler:

H. B. 330. An act to prevent accidents on railroads.

To Committee on Railroads.

By same:

H. B. 331. An act to regulate the use of two or more engines on railroad trains in the State of Kentucky.

To Committee on Railroads.

The hour of 11 o'clock a. m. having arrived,

The House took up for consideration the Special Order of the Day for that hour, to-wit: a bill entitled,

H. B. 31. An act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people except such officers as women may be disqualified from voting for by the Constitution and upon school measures or questions submitted to a vote of the people and to hold common school offices except such offices as women are disqualified from holding by the Constitution.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all women possessing the legal qualifications required of male voters in any common school election, and who in addition are able to read and write, shall be qualified and entitled to vote at all elections of school trustees and other school officers required to be elected by the people and upon all school measures or questions submitted to a vote of the people; and all women possessing the legal qualifications required as to males shall be eligible to hold any school office or office pertaining to the management of schools; Provided, however, that this act shall not apply to any election, the qualifications of the voters at which are otherwise prescribed by the Constitution, nor to any office as to which the Constitution otherwise perscribes the qualifications of the persons eligible thereto.

§ 2. In all places where a registration of the qualified voters is now or may hereafter be required, women who are by this act, qualified to vote, shall be registered at the same time and place and by the same officers and in the same manner as male voters; their registration, however, being made in a separate book to be furnished by the County Clerk as is prescribed by law in the case of male voters. And all the provisions of law relating to the registration of male voters are hereby made applicable to the registration of women qualified to vote by this act.

§ 3. When the elections referred to in Section 1 of this act are held on the same day with the State, County or City elections, separate ballots, similar to those required in other elections, except that they contain only the names of candidates for school officers or questions relating to schools, shall be provided for women voters qualified under this Act; otherwise the elections shall be held according to the provisions of the general election law.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. John W. Holland offered the following amendment to said bill, viz.:

Amend by inserting ofter the word "write" in line 3 the following words, "and who have children of school age."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. John W. Holland and Drury were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	J. H. Elder	John A. Polin
A. V. Bertram	John F. Fryer	W. A. Price
Thos. M. Bertram	John W. Holland	W. A. Shawler
C. W. Burton	Charles H. Knight	Adam Spahn
G. E. Carroll	William J. Kuh	John G. Stoll
W. L. Craig	F. A. Lochry	E. B. Wiley
Elkanah Dickey	Harry J. Meyers	J. H. Williams
G. L. Drury	J. R. Paxton	Charles Yancy
Ben F. Egleston	William A. Perry	—26

Those who voted in the negative were—

William Ahl	Allie T. Gaines	C. B. Nichols
Robert H. Akin	D. Clarence Gray	Ben E. Niles
P. L. Atherton	T. J. Gregory	L. B. Owen
George Baker	Joe Hall	Luther C. Owings
J. M. Bean	Elwood Hamilton	A. W. Palmer
Eli Berry	V. D. Hammond	W. V. Perry
E. Bishop	A. B. Hatton	Marion F. Pogue
H. C. Blades	L. B. Herrington	Stanley F. Reed
John F. Brewer	A. B. Holland	S. H. Rogers
Hiram Brown	James R. Howell	H. A. Schoberth
Wallace Brown	R. Dillard Hunter	Robt. H. Scott
Wm. L. Bowling	W. J. Jackson	W. Scott Smith
George P. Chinn	Green R. Keller	Henry Thomas
Henry Chunn	John G. Kelley	C. B. Thompson
Sidney G. Clay	W. E. King	E. B. Thompson
W. Frank Cole	M. C. Kirk	D. B. Thurman
Sidney J. Collins	James A. Leach	David W. Wiley
Francis B. Douglas	J. Albert Leach	B. S. Wilson
Eli Farmer	Hugh Mahin	Edward L. Young
John M. Farra	B. J. Matthews	—61
S. Walton Forgy	S. F. Middleton	

The hour of 11:30 o'clock having arrived, the hour for the Special Order, to-wit: a bill entitled,

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain lands to the Federal government for the purpose of establishing a Fish Hatchery.

Mr. Schoberth moved that the consideration of the said Special Order be postponed until the bill now pending is disposed of.

Said motion was agreed to.

Mr. Hamilton moved that the session of today be extended until the consideration of the pending bill is concluded.

Said motion was agreed to.

A message was received from the Senate through, a committee composed of Senators B. M. Arnett, Salmon and Bosworth announcing that the Senate was ready to meet with the House in Joint Assembly for the purpose of executing the Joint Special Order of the Day, to-wit: the election of a State Librarian.

Mr. Forgy moved that a Committee be appointed to advise the Senate that the House of Representatives is now ready to receive the Senate in Joint Assembly for executing the Joint Special Order of the Day as above mentioned.

Said motion was agreed to.

The Speaker appointed Messrs. Forgy, Farra and Reed as said Committee.

Said Committee retired and after a time returned and reported that they had discharged their duty.

The hour of 12 o'clock, meridian, having arrived, the hour for the execution of the Joint Special Order of the Day, to-wit: the election of a State Librarian to succeed Frank K. Kavanaugh whose term of office will expire on the first Monday in June, 1912,

The Senate of Kentucky in order, entered upon the floor of the hall of the House of Representatives and in pursuance of a jonit rule of the Senate and House of Representatives the Hon. W. J. McDermott, Lieutenant Governor and President of the Senate took the Chair and presided, the Hon. Claude B. Terrell, Speaker of the House of Representatives, took his seat on the left of the Lieutenant Governor.

Thhe two Houses of the General Assembly were convened in Joint Assembly the same being composed of a majority of all the members elected to each House.

The roll was called and the following Senators and Representatives answered to their names, viz.:

In Senate—

B. M. Arnett	Hiram M. Brock	Seldon R. Glenn
L. W. Arnett	Gus Brown	J. C. Graham
T. F. Bagby	J. R. Catlett	Webster Helm
W. J. Bale	N. B. Chipman	E. E. Hogg
P. J. Beard	Nim. R. Cobern	C. Holman
J. W. Berkshire	W. E. Dowling	R. L. Hubble
E. Bertram	John H. Durham	Hite Huffaker
J. E. Biggerstaff	W. V. Eaton	S. L. Marshall
Joe F. Bosworth	W. A. Frost	Dr. C. W. Mathers

W. B. Moody
H. D. Newcomb
J. T. Pritchard
Mark Ryan
R. M. Salmon
Dr. H. G. Sanders
M. O. Scott
C. M. Thomas
Dr. B. F. Tichenor
J. T. Tunis
W. F. Welch
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In House of Representatives—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
W. Scott Smith
Adam Spahn
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
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It appearing that a quorum was present the Clerk of the House of Representatives read from the Journal of yesterday the announcement made by the Speaker of the House of Representatives in relation to the election of a State Librarian as aforesaid.

Thereupon the President of the Senate announced that nominations for said office were now in order.

Senator W. V. Eaton named Mr. Frank K. Kavanaugh of the County of Franklin as a suitable person to fill said office.

No other person being placed in nomination the vote of the Joint Assembly was taken and resulted as follows, viz.:

Those in the Senate who voted for Mr. Kavanaugh were—

B. M. Arnett	Nim. R. Cobern	Dr. C. W. Mathers
L. W. Arnett	W. E. Dowling	W. B. Moody
T. F. Bagby	John H. Durham	H. D. Newcomb
W. J. Bale	W. V. Eaton	J. T. Pritchard
P. J. Beard	W. A. Frost	Mark Ryan
J. W. Berkshire	Seldon R. Glenn	R. M. Salmon
E. Bertram	J. C. Graham	Dr. H. G. Sanders
J. E. Biggerstaff	Webster Helm	M. O. Scott
Joe F. Bosworth	E. E. Hogg	C. M. Thomas
Hiram M. Brock	C. Holman	Dr. B. F. Tichenor
Gus Brown	R. L. Hubble	J. T. Tunis
J. R. Catlett	Hite Huffaker	W. F. Welch
N. B. Chipman	S. L. Marshall	—38

Those in the House of Representatives who voted for Mr. Kavanaugh were—

William Ahl	John F. Fryer	C. B. Nichols
Robert H. Akin	Allie T. Gaines	Ben E. Niles
Eugene G. Asher	D. Clarence Gray	L. B. Owen
P. L. Atherton	T. J. Gregory	Luther C. Owings
George Baker	Joe Hall	A. W. Palmer
J. M. Bean	Elwood Hamilton	W. F. Parker
Eli Berry	V. D. Hammond	J. R. Paxton
A. V. Bertram	A. B. Hatton	William A. Perry
E. Bishop	L. B. Herrington	W. V. Perry
H. C. Blades	A. B. Holland	Marion F. Pogue
John F. Brewer	John W. Holland	John A. Polin
Wallace Brown	James R. Howell	W. A. Price
Wm. L. Bowling	R. Dillard Hunter	Stanley F. Reed
C. W. Burton	W. J. Jackson	S. H. Rogers
G. E. Carroll	Green R. Keller	H. A. Schoberth
George P. Chinn	John G. Kelley	Robt. H. Scott
Henry Chunn	W. E. King	W. A. Shawler
Sidney G. Clay	M. C. Kirk	W. Scott Smith
W. Frank Cole	Charles H. Knight	Adam Spahn
Sidney J. Collins	William J. Kuh	John G. Stoll
W. L. Craig	James A. Leach	C. B. Thompson
Elkanah Dickey	J. Albert Leach	E. B. Thompson
Francis B. Douglas	F. A. Lochry	D. B. Thurman
G. L. Drury	Hugh Mahin	Yeaman Watkins
Ben F. Egleston	B. J. Matthews	David W. Wiley
J. H. Elder	Harry J. Meyers	J. H. Williams
Eli Farmer	S. F. Middleton	Charles Yancy
John M. Farra	R. C. McClure	Edward L. Young
S. Walton Forgy	Charles D. McCrea	Speaker Terrell

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It appearing that Frank K. Kavanaugh has received all of the votes cast, a majority of all the members elected to each House being present and voting.

Thereupon the Hon. Edward J. McDermott, Lieutenant Governor and President of the Senate presiding over the

Joint Assembly, announced that the said Frank K. Kavanaugh was duly elected to the office of State Librarian for the term of four years beginning on the first Monday in June, 1912.

The Journals of the two Houses relating to the election of a State Librarian as aforesaid were read and approved.

Senator J. C. Graham moved that the Joint Assembly do now dissolve.

Said motion was agreed to.

The Hon. Claude B. Terrell, Speaker of the House of Representatives, resumed the Chair and called the House to order.

The House resumed the consideration of the bill pending at the meeting of the Joint Assembly to-wit: H. B. No. 31.

Mr. Price offered the following amendment to said bill, viz.:

Insert after word "vote" in line three the following, "except in cities of the second class."

Said amendment was disagreed to.

Mr. Knight offered the following amendment to said bill, viz.:

Amend by adding at the end of Section 3 the following: the provisions of this act shall not apply to counties having therein cities of the first and second class.

Said amendment was disagreed to.

Mr. Brewer offered the following amendment to said bill, viz.:

After the word "trustees" in line four strike out the following, "and other school officers required to be elected by the people."

Said amendment was disagreed to.

Mr. Schoberth offered the following amendment to said bill:

Amend by adding thereto "provided, however, that nothing in this act shall be construed so as to prevent women to hold or vote for the office of Superintendent of Public Instruction."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. H. J. Meyers and J. W. Holland were as follows, viz.:

Those who voted in the affirmative were—

John F. Brewer	T. J. Gregory	William A. Perry
G. E. Carroll	Joe Hall	John A. Polin
W. L. Craig	John W. Holland	W. A. Price
Elkanah Dickey	Charles H. Knight	Adam Spahn
G. L. Drury	William J. Kuh	John G. Stoll
J. H. Elder	F. A. Lochry	E. B. Thompson
Eli Farmer	Harry J. Meyers	Yeaman Watkins
John F. Fryer	W. F. Parker	E. B. Wiley

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Those who voted in the negative were—

William Ahl	S. Walton Forgy	C. B. Nichols
Eugene G. Asher	Allie T. Gaines	Ben E. Niles
P. L. Atherton	D. Clarence Gray	L. B. Owen
George Baker	Elwood Hamilton	Luther C. Owings
J. M. Bean	V. D. Hammond	A. W. Palmer
Eli Berry	A. B. Hatton	W. V. Perry
Thos. M. Bertram	L. B. Herrington	Marion F. Pogue
E. Bishop	A. B. Holland	Stanley F. Reed
H. C. Blades	James R. Howell	S. H. Rogers
Hiram Brown	R. Dillard Hunter	H. A. Schoberth
Wallace Brown	W. J. Jackson	Robt. H. Scott
Wm. L. Bowling	Green R. Keller	W. Scott Smith
C. W. Burton	John G. Kelley	Henry Thomas
George P. Chinn	W. E. King	C. B. Thompson
Henry Chunn	James A. Leach	D. B. Thurman
Sidney G. Clay	J. Albert Leach	David W. Wiley
W. Frank Cole	Hugh Mahin	J. H. Williams
Sidney J. Collins	B. J. Matthews	B. S. Wilson
Francis B. Douglas	S. F. Middleton	Charles Yancy
Ben F. Egleston	R. C. McClure	Edward L. Young
John M. Farra	Charles D. McCrea	—62

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	Eli Berry
Robert H. Akin	George Baker	Thos. M. Bertram
Eugene G. Asher	J. M. Bean	E. Bishop

H. C. Blades	V. D. Hammond	A. W. Palmer
Hiram Brown	L. B. Herrington	W. V. Perry
Wallace Brown	A. B. Holland	Marion F. Pogue
Wm. L. Bowling	James R. Howell	John A. Polin
C. W. Burton	R. Dillard Hunter	Stanley F. Reed
G. E. Carroll	W. J. Jackson	S. H. Rogers
George P. Chinn	Green R. Keller	H. A. Schoberth
Henry Chunn	M. C. Kirk	Robt. H. Scott
Sidney G. Clay	James A. Leach	W. Scott Smith
Sidney J. Collins	F. A. Lochry	Henry Thomas
Francis B. Douglas	Hugh Mahin	C. B. Thompson
Eli Farmer	B. J. Matthews	E. B. Thompson
John M. Farra	S. F. Middleton	D. B. Thurman
S. Walton Forgy	R. C. McClure	David W. Wiley
D. Clarence Gray	C. B. Nichols	B. S. Wilson
T. J. Gregory	Ben E. Niles	Charles Yancy
Joe Hall	L. B. Owen	Edward L. Young
Elwood Hamilton	Luther C. Owings	—62

Those who voted in the negative were—

A. V. Bertram	Allie T. Gaines	William A. Perry
John F. Brewer	John W. Holland	W. A. Price
W. Frank Cole	John G. Kelley	Adam Spahn
W. L. Craig	W. E. King	John G. Stoll
Elkanah Dickey	Charles H. Knight	Yeaman Watkins
G. L. Drury	William J. Kuh	E. B. Wiley
Ben F. Egleston	J. Albert Leach	J. H. Williams
J. H. Elder	Harry J. Meyers	—25
John F. Fryer	W. F. Parker	

Resolved that the title thereof be as aforesaid.

Mr. Niles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 26, 1912.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church, Southern Assembly, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. John W. Holland moved that when this House adjourn today it be to meet on Monday the 29th instant at 12 o'clock, m.

Said motion was agreed to.

Mr. Lochry offered the following resolution, viz.:

H. Res. 9. Resolution to obtain the financial condition of the State.

Whereas, there is a current report being circulated that the State of Kentucky is greatly in debt, and

Whereas, there has been a number of bills introduced in the House and Senate of this Session of the General Assembly asking for large appropriations, now in order that the members may be advised,

Therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts and the State Treasurer of the State be and they are hereby requested and directed to report to the General Assmbly in writing at their earliest convenience, the financial condition and standing of the State at or on the 25th day of January, 1912, and that a copy of the same be placed on the desk of each member of the Senate and House of Representatives.

By unanimous consent the rules were suspended and said resolution was adopted.

Mr. Jackson offered the following resolution, viz.:

H. Res. 10. Resolution requesting the Government of the United States to return to the States in which is was collected the tax on raw cotton during the years 1861-1868 inclusive.

Whereas, the Government of the United States levied a tax on all raw cotton in 1861 and continued the tax at varying rates until 1868, and

Whereas, the chief burden of this tax amounting to sixty-eight million dollars fell upon the cotton growers at a time when they were least able to bear it, and

Whereas, the constitutionality of this tax has always been questioned and was affirmed only by an equally divided Court, and

Whereas, the direct tax on land the constitutionality of which was never questioned, though levied at the same time was long since returned to the States, therefore,

Be it resolved by the House of Representatives of the State of Kentucky, the Senate concurring therein,

1. That we request the Government of the United States to return the proceeds of this tax to the States in which it was collected in order that it may be used for the benefit of rural schools, provided that such sums as were collected in the States where no cotton was grown shall be apportioned among the gotton growing States for the benefit of higher or technical education.

2. That a copy of these resolutions be forwarded to the President; also to the each of our Senators and Representatives in Congress with the request that they take active steps to carry out the same.

By unanimous consent the rules were suspended and said resolution was read and adopted.

Mr. Knight offered the following resolution, viz.:

Whereas, in the early part of the Session a resolution was adopted directing the Public Printer to place on the desks of the members 100 copies of the Governor's message, and

Whereas, said order has not been complied with, therefore,

Be it resolved that the Public Printer be required to show cause, if he can, why such message has not been printed, stamped and placed on the desks of said members as directed in said resolution and he is directed to file his response to said resolution on January 29, 1912, upon the convening of the House.

Said resolution was adopted.

Mr. Niles offered the following resolution, viz.:

Resolved that in as much as this House has been cordially invited by the commercial organizations of Louisville to be their guests on Friday and Saturday, February 2, and 3, proximo, it is ordered that the Clerk of this House notify said organization that their invitation is accepted.

Said resolution was adopted.

Mr. Nichols called up for consideration from the Clerk's desk the following resolution, viz.:

S. Res. 10. Resolution providing for the appointment of a Committee from the Senate and House of Representatives to gather information concerning the State University at Lexington.

In view of the fact that the State of Kentucky has invested in the State University at Lexington (in which institution this State is justly proud), a large sum of money, and that the Senate is not fully apprised of the detailed workings and expenditures and that such information is necessary to intelligent action by this body towards the said institution, therefore,

Be is resolved, that a Committee of three be appointed from this body and a like number from the House of Representatives to investigate such facts that will enable the General Assembly to act intelligently upon all matters which may come before them looking to the interests of this institution.

Mr. Berry offered the following amendment, viz.:

Amend by inserting after the word "Resolved," the words "By the Senate and the House concurring therein."

Said amendment was adopted.

Said resolution as amended was concurred in.

Under and by virtue of said resolution the Speaker appointed the following Committee on the part of the House: viz.:

Messrs. Wilson, Niles and Clay.

By unanimous consent the House took up for consideration from the Orders of the Day a bill entitled,

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal government for the purpose of establishing a Fish Hatchery.

Said bill is as follows, viz.:

Whereas, it is necessary for the proper conduct of the Kentucky State Fair that additional land, adjacent to the present property of said Fair be acquired, and

Whereas, on December 29, 1910, an option was secured for the benefit of the Kentucky State Fair on a tract of land containing 45 21-100 acres, more or less, and adjacent to the property of said Fair, said option having been obtained

at said time through the assistance of Lawrence Jones, Louis Seelbach and John H. Whallen, three public spirited citizens, in order that the Kentucky State Fair might be the beneficiary of the low price at which said property could be acquired at that time, there being no funds available for the purchase of said property, and

Whereas, said option so secured provided that said property might be purchased for the Kentucky State Fair for the sum of $16,000,

Now, Therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated the sum of $16,000, out of any funds in the State Treasury not otherwise appropriated for the purchase of a tract of land containing 45 21-100 acres, more or less, adjoining the property of the Kentucky State Fair, said property when so purchased to become and be a part of the property of the Kentucky State Fair, and the State Board of Agriculture, Forestry and Immigration is hereby authorized to purchase said tract of land.

§ 2. Said State Board of Agriculture, Forestry and Immigration shall have the right to set aside not exceeding twenty acres of said tract of land so purchased for the use of the Government of the United States for the purpose of establishing a fish hatchery. Said land shall be so set aside upon the condition that said fish hatchery shall be open to all patrons of the Kentucky State Fair during the week said Fair is held. In the event the United States Government fail to establish said fish hatchery, or after having established same shall cease to operate the same, then said twenty acres

so set aside shall revert to and become the property of the Kentucky State Fair without restriction.

§ 3. Since the Federal Government must know by February 1, 1912, whether the Commonwealth of Kentucky will accept this proposition an emergency is declared to exist, and this bill shall take effect on approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	D. Clarence Gray	R. C. McClure
J. M. Bean	Joe Hall	C. B. Nichols
Eli Berry	Elwood Hamilton	Ben E. Niles
Thos. M. Bertram	A. B. Hatton	Luther C. Owings
E. Bishop	A. B. Holland	J. R. Paxton
H. C. Blades	John W. Holland	William A. Perry
John F. Brewer	James R. Howell	John A. Polin
Wallace Brown	R. Dillard Hunter	W. A. Price
Wm. L. Bowling	Earl C. Huntsman	Stanley F. Reed
C. W. Burton	W. J. Jackson	W. A. Shawler
G. E. Carroll	Green R. Keller	W. Scott Smith
George P. Chinn	John G. Kelley	Adam Spahn
Elkanah Dickey	M. C. Kirk	A. H. Stamper
G. L. Drury	Charles H. Knight	C. B. Thompson
Ben F. Egleston	William J. Kuh	E. B. Thompson
J. H. Elder	James A. Leach	D. B. Thurman
Eli Farmer	F. A. Lochry	J. H. Williams
John M. Farra	Hugh Mahin	B. S. Wilson
John F. Fryer	B. J. Matthews	Speaker Terrell
Allie T. Gaines	S. F. Middleton	—59

Those who voted in the negative were—

Charles Yancy —1

Mr. Niles moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the Calendar bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 92. An act for the benefit of the Department of Agriculture, Labor and Statistics, appropriating money thereto and enlarging the powers thereof.

By same:

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenues for the maintenance of said Experiment Station and for conducting experiments in the various lines of agriculture and to meet the increased demands made upon it as a public institution.

By Mr. Wallace Brown of the Committee on Corporate Institutions:

H. B. 91. An act to provide for the sale and purchase of the assets of a corporation created under the laws of this Commonwealth whose charter will expire within three years from the date of such sale and purchase.

With an amendment thereto.

By Mr. L. B. Owen of the Committee on Classification of Cities and Towns:

H. B. 6. An act to change the name of Mt. Pleasant tc Harlan and to put the city of Harlan in the fourth class.

With an amendment thereto.

By Mr. Carroll of the Committee on County and City Courts:

H. B. 99. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District.

By same:

H. B. 119. An act providing for the supplying of the records of County Surveyors' offices where same have been destroyed.

H. B. 124. An act to amend Section 513 of the Kentucky Statutes relating to indexing.

H. B. 72. An act amending paragraph 1 of Section 606 of Carroll's 1906 edition of the Kentucky Civil Code of Practice.

H. B. 96. An act to repeal an act entitled "An act to repeal Section 1136, Chapter 36, Kentucky Statutes, and to substitute therefor and to re-enact Section 1136 of Kentucky Statutes.

H. B. 14. An act to amend an act entitled "Crimes and punishments," which became a law on the 10th day of April, 1893.

H. B. 103. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909 (page 133, Act of March 24, 1908), Districts, Trustees, Teachers, Taxation.

H. B. 17. An act to amend an act entitled "An act for the government and regulation of the common schools in this State, approved March 24, 1908.

H. B. 105. An act to provide for payment to all jurors summoned for service in the Circuit Courts of the Commonwealth of Kentucky.

H. B. 42. An act creating a parental home and school commission in counties containing a city of the first class defining the powers and duties thereof and empowering and requiring Fiscal Courts to levy a tax to create funds for the purpose of this act.

With an amendment by way of substitute therefor.

H. B. 19. An act creating the Thirty-fifth Judicial District of Kentucky.

H. B. 18. An act intended to prevent the spread of tuberculosis and other infectious diseases in the public schools of Kentucky and providing penalties for violation thereof.

H. B. 62. An act relating to fire, lightning, hail, wind storms, and sprinkler leakage insurance and to regulate and control the rates of premium thereon and create a State

Insurance Board, defining the powers and duties of said Board.

With sundry amendments thereto.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Wilson moved that the rules be suspended and that a bill entitled,

H. B. 19. An act creating the 35th Judicial District of Kentucky,

Be made the Special Order of the Day for Tuesday, January 30th, at eleven thirty o'clock, a. m.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, Mr. Hamilton moved that the consideration of the Orders of the Day be postponed and that the standing committees be named.

Said motion was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Gray of the Committee on Education No. 1.

H. B. 143. An act to provide for the use of district schoolhouses out of school hours.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 200. An act to amend an act entitled an act concerning courts having continuous sessions and two judges approved March 2, 1906.

By same:

H. B. 157. An act relating to the sale and distribution of the proceeds of land escheated to the Commonwealth.

By Mr. Farra of the Committee on Public Roads and Highways:

H. B. 26. An act to amend Section 4310 of an act entitled "Roads and Passways," an act changing the punishment of road overseers.

By same:

H. B. 88. An act to amend Section 1846, Kentucky Statutes, Chapter 52, in reference to the publication of county expenditures.

By Same:

H. B. 131. An act to define the duties of the County Surveyor in counties containing more than 200,000 population and to provide compensation for them.

By same:

H. B. 155. An act to make camping upon a public highway a nuisance and punishable as a misdemeanor.

By Mr. Berry of the Committee on Public Utilities:

H. B. 167. An act to protect and regulate the catching of mussel shells in the Ohio river and its Kentucky tributaries.

By Mr. Wilson of the Committee on Suffrage and Elections:

H. B. 56. An act to provide for certain party nominations by direct vote.

With amendments thereto.

By same:

H. B. 25. An act to regulate elections, to provide for publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds, and to control and regulate contributions made for campaign purposes to further the election of any party organization or person and fixing penalties therefor.

By Mr. Hamilton of the Committee on State Prisons and Houses of Reform:

H. B. 43. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

Together with an amendment thereto by way of substitute therefor.

By Mr. Mahin of the Committee on Agriculture:

H. B. 198. An act to regulate the sale of certain argicultural seeds.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

By Mr. Farra of the Committee on Public Roads and Highways:

H. B. 129. An act to improve the public highways of this Commonwealth.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Said bill was read the first time at length and ordered to be placed on the Calendar.

And the House adjourned.

MONDAY, JANUARY 29, 1912.

The House was opened with prayer by the Rev. Father Joseph A. Flynn, of the Catholic Church, of Frankfort.

The reading of the Journal of the proceedings of Friday last was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Huntsman:

H. B. 332. An act to amend Section one of an act relating to revenue and taxation, providing for license taxes on compounded, rectified, adulterated or blended distilled spirits, known and designated as single-stamp spirits, and providing penalties for violations of its provisions. Approved March 28, 1906.

To Committee on Revenue and Taxation.

By same:

H. B. 333. An act to regulate the management of sleeping cars operating in this State by requiring the upper berths to be kept closed when not occupied and to prevent porters from dusting passengers at any place in a car except in the rear vestiblue of such car.

To Committee on Railroads.

By Mr. Asher:

H. B. 334. An act for the relief of sub-school district relating to the liquidation and payment of old debts.

To Committee on Education No. 1.

By Mr. McClure:

H. B. 335. An act to amend and re-enact Sections 3618 and 3619, of Chapter 89, Carroll's 1909 edition of Kentucky Statutes, relating to the election of marshals in cities of the fifth class.

To Committee on Kentucky Statutes.

By Mr. Douglas:

H. B. 336. An act to amend Section 653 of the Kentucky Statutes.

To Committee on Insurance—Life and Accident.

By Mr. Hatton:

H. B. 337. An act to amend Section 1309, Kentucky Statutes, edited by Hon. John D. Carroll, relating to carrying concealed weapons.

To Committee on Criminal Law.

By same:

H. B. 338. An act to amend Section 1166, of Kentucky Statutes, and imposing penalty for shooting into the residence of another person.

To Committee on Criminal Law.

By Mr. Thurman:

H. B. 339. An act relating to taxation.

To Committee on Revenue and Taxation.

By same:

H. B. 340. An act regulating the retail sale of liquor.

To Committee on County Unit and Public Morals.

By same:

H. B. 341. An act to amend Section 2557, of Carroll's Kentucky Statutes, 1909, Chapter 81, entitled "Liquors—Intoxicating."

To Committee on County Unit and Public Morals.

By Mr. Hunter:

H. B. 342. An act to repeal Sections 203 and 204 of the Criminal Code of Practice, relating to peremptory challenges of jurors and to enact another section in lieu thereof.

To Committee on Codes of Practice.

By Mr. Shawler:

H. B. 343. An act to amend Section 795, Kentucky Statutes, Carroll's fourth edition, relating to separate coaches.

To Committee on Railroads.

By Mr. Knight:

H. B. 344. An act to amend an act entitled "An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

To Committee on Tuberculosis.

By Mr. Spahn:

H. B. 345. An act prohibiting the unlawful issuing, selling, exchanging, using or giving away of any transfer ticket or written or printed instrument or purporting to give the right of transfer of any street car or other public conveyance, and prescribing a penalty therefor.

To Committee on Kentucky Statutes.

By Mr. Kirk:

H. B. 346. An act amending and re-enacting Section 4850, of Chapter 135, Carroll's edition, Kentucky Statutes, changing the time of appeals in will cases from the county to circuit courts in this Commonwealth.

To Committee on Judiciary.

By Mr. C. B. Thompson:

H. B. 347. An act to aid and promote the building of good roads in the State of Kentucky and to direct the transfer of any stock or other interest owned by the State of Kentucky in turnpike companies or toll roads to any county that may purchase or condemn said roads and operate same as free roads.

To Committee on Public Roads and Highways.

By Mr. Price:

H. B. 348. An act to amend and re-enact Section 2, Article 4, Subsection 1, of an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

To Committee on Revenue and Taxation.

By same:

H. B. 349. An act creating the office of County Surveyor in counties having therein cities of the second class prescribing his duties and fixing his compensation.

To Committee on County and City Courts.

By same:

H. B. 350. An act to regulate tolls for automobiles on all ferries, turnpikes and gravel roads in the Commonwealth of Kentucky.

To Committee on Public Bridges.

By Mr. Reed:

H. B. 351. An act providing for the redistricting of the State of Kentucky into eleven congressional districts.

To Committee on Redistricting—Congressional.

By Mr. Smith:

H. B. 352. An act to prevent cigarette smoking by minors and providing a penalty therefor.

To Committee on Kentucky Statutes.

By Mr. Baker:

H. B. 353. An act prohibiting the manufacture and sale of cigarettes in the State and providing punishment therefor.

To Committee on Kentucky Statutes.

By Mr. John W. Holland:

H. B. 354. An act to amend an act approved March 4th, 1910, entitled an act to amend the school laws and to create Boards of Education and to define their duties in cities of the first class.

To Committee on Municipalities.

By Mr. Drury:

H. B. 355. An act to punish the making or use of false statements to obtain credit.

To Committee on Banks and Banking.

By same:

H. B. 356. An act concerning notaries public who are stockholders or officers in any bank or trust company.

To Committee on Banks and Banking.

By same:

H. B. 357. An act to punish statements derogatory to any bank or trust company.

To Committee on Banks and Banking.

By same:

H. B. 358. An act relating to the payment of bank deposits when made in trust.

To Committee on Banks and Banking.

By same:

H. B. 359. An act permitting the payment of bank deposits to either party when made in two names.

To Committee on Banks and Banking.

By same:

H. B. 360. An act to repeal the latter part of Section 679, Kentucky Statutes, which part became a law March 24, 1906, which relates to fraternal insurance.

To Committee on Insurance—Life and Accident.

By same:

H. B. 361. An act to further extend powers and define duties of the Railroad Commission.

To Committee on Railroads.

By Mr. Hamilton:

H. B. 362. An act to amend and re-enact Section 3050a of the Kentucky Statutes, edited by John D. Carroll, and the edition of 1909, relating to the annexation of cities of the second, third and fourth class to cities of the second class by including therein cities of the fifth class.

To Committee on Municipalities.

By Mr. Collins:

H. B. 363. An act to amend Section 1944a of the 1909 edition of Carroll's Kentucky Statutes.

To Committee on Fish and Game.

By Mr. L. B. Owen:

H. B. 364. An act to regulate the assessment of property in certain counties in this Commonwealth.

To Committee on Revenue and Taxation.

By Mr. Clay:

H. B. 365. An act to repeal Sections 203 and 204 of the Criminal Code of Practice relating to peremptory challenges of jurors and to enact another section in lieu thereof.

To Committee on Codes of Practice.

By same:

H. B. 366. An act to amend Section 13 of an act entitled "An act concerning juries and entitled 'juries,' approved March 19, 1894. Said section having been amended by inserting the words "or any person more than 60 years of age," which was approved March 16, 1910.

To Committee on Circuit Courts.

Mr. Hamilton presented the petition of sundry citizens of Franklin county protesting against the repeal of the act imposing a tax on dogs.

Which was received, its reading dispensed with and referred to the Committee on Agriculture.

The Speaker laid before the House a communication from the Contractor of Public Printing in response to a resolution offered by Mr. Knight and adopted by the House. (For Res. House Journal, January 25th.)

Mr. Holland moved that said communication be received and be considered as satisfactory explanation.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted resolutions of the following titles, viz.:

S. Res. 7. Resolution providing stenographic help and legal assistance to special committee investigating Auditor's Agents.

S. Res. 11. Resolution requesting members of National Congress from Kentucky to use all honorable means to se-

cure the passage of bill now pending in Congress providing for them establishment and maintenance of a National Park at Mammoth Cave, Edmonson County, Kentucky.

Ordered that said resolutions lie on the Clerk's desk.

That they had passed a bill entitled,

S. B. 18. 'An act to amend Chapter 21 of the Acts of 1906 entitled an act to amend Section 2560, of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes, entitled "Liquors—Intoxicating.

Ordered that said bill be referred to the Committee on County Unit and Public Morals.

Under and by virtue of a resolution heretofore adopted inviting Hon. William Randolph Hearst to address this House the Speaker appointed Messrs. Williams, Jackson, Keller, Paxton and Douglas a committee to receive Mr. Hearst and to arrange the date of his address.

Mr. Niles moved that the substitute amendment heretofore proposed by the Committee on State Prisons and Houses of Reform, for a bill entitled,

H. B. 43. An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth,

Be printed for the use of the members.

Said motion was agreed to.

Mr. Wallace Brown offered the following joint resolution:

Resolution Providing for the Appointment of a Committee to Investigate the Condition and Devise Improved System for Management of Charitable and Penal Institutions of this State.

Whereas, There is expended annually more than one million dollars in the maintenance of the Charitable and Penal Institutions of this State, and

Whereas, The proper care, treatment and management of the inmates of said Chairtable and Penal Institutions are of paramount consideration and should be removed from the atmosphere of partisan politics, and

Whereas, Certain progressive States of this Union have established a single bipartisan board of administration for the management of all such institutions.

Therefore, Be it Resolved by the General Assembly of Kentucky:

1. That a committee is hereby created to consist of nine members, three to be appointed by the Governor from the State-at-large, three members of the Senate to be appointed by the Lieutenant Governor and three members of the House to be appointed by the Speaker of the House.

The Committee shall examine into the conditions of the various Charitable and Penal Institutions of this State and for this purpose shall visit all of said Institutions and shall state fully in their report,

First. The number of inmates of each and every such institution, the general conditions of health, whether any are diseased, and how many, and character of disease, and the care and treatment of said inmates of each institution.

Second. The number of buildings and a minute description of each and every building connected with each institution, whether or not each is modern, convenient and in good repair and safe for the protection of the inmates in every way, and what change and improvements, if any, are necessary for the proper care and management of the inmates.

Third. The detailed system of management in operation in each of said institutions, and any changes looking tc the betterment and improvement of the present systems.

Fourth. The present system of convict labor and whether or not it would be advisable to so amend the Constitution and Statute laws that convict labor could be employed in the building of roads and on other public work outside the prison walls.

Fifth. The present purchasing system for the purchase of supplies in each of said institutions and recommendations and plans for the establishment and perfection of an improved and uniform purchasing system for said institutions.

Sixth. Whether or not one Board of Administration should be established for the management and control of all the Charitable and Penal Institutions of this State, the character and duties of said Board and in their recommendations the said Committee shall specifically state wherein the establishment of such Board would be in furtherance of public

economy and for the better care and best interests of the inmates of said institutions.

The said Committee shall also prepare a bill or bills in accordance with their recommendations and findings and shall submit such bills with their report to the Governor thirty days before the regular meeting of the next General Assembly. The Governor of the Commonmealth shall transmit the report of the Committee and any bills they may prepare to the next session of the General Assembly.

2. Said Committee shall receive for their services five dollars per diem and actual expenses incurred in the line of their duties and while in session, provided they shall not be paid for more than fifteen days, and the Auditor of Public Accounts is directed on the filing of itemized and certified accounts of such per diem and expenses to draw his warrant upon the Treasurer for payment of same.

Which was ordered to lie on the Clerk's desk.

Mr. Collins offered the following resolution, viz.:

A Resolution to provide for the payment of expenses of the Joint Committee from the House and Senate on Charitable Institutions, incurred in a visit to the Institutions at Hopkinsville and Lakeland.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Three Hundred Dollars is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the expenses of the joint Committee of the House and Senate on Charitable Institu-

tions for a visit paid by said Committee to the insane asylum at Hopkinsville. Said sum to be paid by the Auditor on the joint warrant of the Chief Clerks of the Senate and House of Representatives who will distribute said sums of money to the Chairmen of said Committees, who have incurred expenses on said trip, provided, that said sum of three hundred dollars shall be paid by itemized statement by the chairmen of said Committees, and to be paid to said members of said Committees as said chairmen shall direct.

Sec. 2. Whereas, said Committee has already paid said sum of money and should be reimbusred for the same, an emergency is declared to exist and this resolution shall take effect from and after its adoption.

Mr. Keller moved that said resolution be referred to the Committee on Claims with leave to report at any time.

Said motion was agreed to.

Mr. Rochrey offered the following resolution, viz.:

Resolution providing for the payment to Mrs. Sallie M. Hickman the salary and perquisites George W. Hickman would have been entitled to as a member of the General Assembly of Kentucky in the Senate in 1908:

Whereas, the Honorable G. W. Hickman, Senator from the Eighth Senatorial District of the State of Kentucky, was elected in November, 1905, for a term of four years ending January 1st, 1910, and he having discharged his duties as said Senator at the regular and special session of the General Assembly in 1906, and his labor as Senator during those sessions, brought on a fatal illness, from which he

never recovered and died September 17th, 1906, and whereas, had said G. W. Hickman lived, he would have drawn his per diem and pay as Senator for the regular sessions of the General Assembly of 1908 and it was the opinion of the General Assembly of 1910 and is the sense of this session of the General Assembly that his said widow, Mrs. Sallie M. Hickman, is entitled to the same.

Therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and is hereby authorized to draw his warrant on the Treasurer of the State, by the order of the Clerk of the Senate of the present session of the General Assembly of the Commonwealth of Kentucky, in favor of Mrs. Sallie M. Hickman, widow of said George W. Hickman, deceased, for $457.10, of which $62.10 is milage, $40 is stationery and $355.00 salary as Senator, the amount of money that would have been due said deceased, had he lived and had been permitted to attend the regular session of the General Assembly of 1908 during the time of its sitting, and the same is to be paid out of any money not otherwise appropriated.

Which was ordered to lie on the Clerk's desk.

The hour of 11 o'clock a. m. having arrived, the hour for the Special Order of the Day, to-wit: a bill entitled,

H. B. 23. An act to provide for the erection and completion of a Governor's mansion and other necessary buildings connected therewith at the seat of government. (For bill see House Journal, January 27.)

Mr. Smith moved that the House do now resolve itself into a Committee of the Whole for the purpose of considering said bill.

Said motion was agreed to.

Thereupon the House was convened into a Committee of the Whole House, Mr. Wallace Brown presiding as Chairman, having been designated as such by the Speaker.

After a time Mr. Wallace Brown of the Committee on the Whole House, reported that said Committee which had under consideration said bill and had instructed him to report the same back to the House with the following amendments, viz.:

Amend by inserting in line No. 2, Section 3, after the word "including," the following words: "Purchase of site for erecting the said mansion and employment of architects as hereinafter provided."

Amend by inserting as Section 10 the following: Said Board shall cause said building to be constructed, trimmed and finished with native stone produced from the quarries of Kentucky so far as stone shall be used in the construction, trimming and finishing of said building: Provided same can be secured at an equally reasonably cost as that charged for other stone suitable for the construction, trimming and finishing of said building.

Amend by striking out the word "adjacent" wherever it occurs in Sections 1 and 2 and insert in lieu thereof the word "near."

Said amendments were severally agreed to.

Mr. Forgy offered the following amendment to said bill, viz.:

Amend bys triking out the figures "75,000.00" wherever they occur and insert in lieu thereof "$50,000.00."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Forgy and John W. Holland were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	Allie T. Gaines	L. B. Owen
J. M. Bean	D. Clarence Gray	A. W. Palmer
E. Bishop	T. J. Gregory	W. F. Parker
C. W. Burton	Joe Hall	S. H. Rogers
G. E. Carroll	A. B. Hatton	Robt. H. Scott
Henry Chunn	John W. Holland	Walter S. Sinclair
Elkanah Dickey	R. Dillard Hunter	D. B. Thurman
Eli Farmer	John G. Kelley	Yeaman Watkins
S. Walton Forgy	W. E. King	E. B. Wiley
John F. Fryer	J. Albert Leach	Charles Yancy

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Those who voted in the negative were—

George Baker	Ben F. Egleston	F. A. Lochry
Eli Berry	Elwood Hamilton	Hugh Mahin
A. V. Bertram	V. D. Hammond	B. J. Matthews
Thos. M. Bertram	L. B. Herrington	Harry J. Meyers
H. C. Blades	James R. Howell	S. F. Middleton
John F. Brewer	Earl C. Huntsman	R. C. McClure
Wallace Brown	W. J. Jackson	Charles D. McCrea
George P. Chinn	Green R. Keller	C. B. Nichols
Sidney G. Clay	M. C. Kirk	Ben E. Niles
Sidney J. Collins	Charles H. Knight	Luther C. Owings
Francis B. Douglas	William J. Kuh	J. R. Paxton
G. L. Drury	James A. Leach	William A. Perry

W. V. Perry	W. Scott Smith	C. B. Thompson
John A. Polin	Adam Spahn	Louis B. Tieman
W. A. Price	A. H. Stamper	J. H. Williams
S. L. Robertson	John G. Stoll	B. S. Wilson

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Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Eugene G. Asher	Ben F. Egleston	B. J. Matthews
George Baker	Allie T. Gaines	Harry J. Meyers
J. M. Bean	Joe Hall	S. F. Middleton
Eli Berry	Elwood Hamilton	R. C. McClure
A. V. Bertram	V. D. Hammond	Charles D. McCrea
Thos. M. Bertram	A. B. Hatton	C. B. Nichols
E. Bishop	L. B. Herrington	Ben E. Niles
H. C. Blades	James R. Howell	Luther C. Owings
John F. Brewer	R. Dillard Hunter	J. R. Paxton
Wallace Brown	Earl C. Huntsman	William A. Perry
C. W. Burton	W. J. Jackson	W. V. Perry
G. E. Carroll	Green R. Keller	John A. Polin
George P. Chinn	W. E. King	W. A. Price
Henry Chunn	M. C. Kirk	Stanley F. Reed
Sidney G. Clay	Charles H. Knight	W. Scott Smith
Sidney J. Collins	William J. Kuh	Adam Spahn
Elkanah Dickey	James A. Leach	A. H. Stamper
Francis B. Douglas	F. A. Lochry	John G. Stoll
G. L. Drury	Hugh Mahin	C. B. Thompson

E. B. Thompson	E. B. Wiley	Charles Yancy
D. B. Thurman	J. H. Williams	Speaker Terrell
Louis B. Tieman	B. S. Wilson	—66

Those who voted in the negative were—

S. Walton Forgy	J. Albert Leach	Robt. H. Scott
John F. Fryer	L. B. Owen	Walter S. Sinclair
D. Clarence Gray	A. W. Palmer	Yeaman Watkins
T. J. Gregory	W. F. Parker	—11

Resolved that the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 30, 1912.

The House was opened with prayer by Rev. Father Joseph A. Flynn, of the Roman Catholic Church, of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Wallace Brown called up for consideration from the Clerk's desk a resolution of the following title, viz.:

H. Res. 11. Resolution providing for appointment of a committee to investigate the condition and devise improved system for management of chairtable and penal institutions. (For Res. see House Journal, January 29th.)

Said resolution was adopted.

Mr. Hamilton offered the following resolution, viz.:

Resolved, That the Committee on Appropriations be required to make an examination of all bills introduced in the House, and to report to the House the appropriation asked for by all bills asking appropriations, and tabulate same, for the information of the members.

Said resolution was adopted.

Mr. Hamilton offered the following joint resolution, viz.:

H. Res. 14. Resolution, Ceding Jurisdiction of the

Commonwealth of Kentucky over certain lands to the United States of America upon the establishment of Mammoth Cave National Park, in Edmonson county, Kentucky:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1st. That jurisdiction of the Commonwealth of Kentucky is hereby ceded to the United States of America over so much of any lands, not exceeding 45,000 acres, as may be selected in Edmonson county, Kentucky at and near Mammoth Cave, and acquired and used by the said United States of America for the purpose of establishing and maintaining a National Park, and said premises and all Government property thereon shall be exempt from all taxes and assessments so long as the same shall remain the property of the United States of America. But this cession is upon the express condition that the Commonwealth of Kentucky shall so far retain concurrent jurisdiction with the United States of America over said lands, as that all criminal and civil processes issued under authority of this Commonwealth may be executed thereon in like manner as if this act had not been passed.

2nd. Nothing in this resolution contained shall interfere with the jurisdiction of the United States of America over any matter or subjects set out in the Act of Congress to establish a National Park at Mammoth Cave, Kentucky, or with any laws, rules or regulations that Congress may adopt for the preservation and protection of its property on said lands and approaches thereto and the proper maintenance of good order thereon.

By unanimous consent the rules were suspended said resolution was taken up for consideration and adopted.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 32. An act to amend Section 12 of an act approved March 20, 1910, entitled an act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State.

By Mr. Wallace Brown of the Committee on Corporate Institutions:

H. B. 213. An act to amend and re-enact Section 878 of the Kentucky Statutes, which is a part of Article 7 of an act of April 5, 1893, entitled "Corporations—Private."

By Mr. Yancy of the Committee on Confederate Home:

H. B. 149. An act granting a pension of $10.00 per month to Confederate soldiers or their widows.

Together with an amendmment thereto by way of substitute therefor.

By Mr. Palmer of the Committee on Education No. 2.

H. B. 111. An act to amend and re-enact Sections 15, 20 and 30 of the Acts of 1910, Chapter 13, relating to uniform series of school text books, county and city Text Books Commissions, regulation and penalty.

By Mr. Bishop of the Committee on Public Health:

H. B. 28. An act to repeal an act entitled an act to es-

tablish a bureau of vital statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or funeral permits; requiring prompt returns to the bureau of vital statistics, as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

Together with an amendment thereto by way of substitute therefor.

Said substitute amendment was ordered to be printed.

By Mr. Wilson of the Committee on Kentucky Statutes:

H. B. 206. An act to amend and re-enact Section 4683a of the Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

By Mr. Bishop of the Committee on Public Health:

H. B. 120. An act authorizing the granting of a certificate by the State Board of Dental Examiners to persons to practice dentistry in this State.

With the expression of opinion that said bill ought not to pass.

The question being taken or ordering said bill to a reading the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

And so said bill was rejected.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 143. An act to provide for the use of district schoolhouses out of school hours.

H. B. 200. An act to amend an act entitled an act concerning courts having continuous sessions and two judges, approved March 2, 1906.

H. B. 157. An act relating to the sale and distribution of the proceeds of land escheated to the Commonwealth.

H. B. 26. An act to amend Section 4310 of an act entitled "Roads and Passways," an act changing the punishment of road overseers.

H. B. 98. An act to amend Section 1846, Kentucky Statutes, Chapter 52, in reference to the publication of county expenditures.

H. B. 131. An act to define the duties of the County Surveyor in counties countaining more than 200,000 population and to provide compensation for them.

H. B. 155. An act to make camping upon a public highway a nuisance and punishable as a misdemeanor.

H. B. 167. An act to protect and regulate the catching of mussel shells in the Ohio river and its Kentucky tributaries.

H. B. 56. An act to provide for certain party nominations by direct vote.

With amendments thereto.

H. B. 25. An act to regulate elections, to provide for publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds, and to control and regulate contributions made for campaign purposes to further the election of any party organization or person and fixing penalties therefor.

H. B. 43. An act to amend An act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

Together with an amendment thereto by way of substitute therefor.

H. B. 198. An act to regulate the sale of certain agricultural seeds.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day except H. B. 56 and 129, supra.

On motion of Mr. Leach (of Harrison County) it was ordered that H. B. 129 be recommitted to the Committee on Public Roads and Highways.

By unanimous consent the following bills were introduced, ordered printed and referred as follows, viz:

By Mr. Harry J. Meyers:

H. B. 367. An act to amend Section 4020 of the Kentucky Statutes, Carroll's edition, 1909.

To Committee on Judiciary.

By Mr. Lochry:

H. B. 368. An act to amend Subsections 2, 8 and 16 of Section 2380 of Article 8, and Chapter 76 of Carroll's 1909 edition of the Kentucky Statutes, referring to the drainage of land.

To Committee on Public Ditches and Fences.

By unanimous consent the House took up for consideration a bill entitled,

H. B. 56. An act to provide for certain party nominations by direct vote.

Mr. C. B. Thompson moved that said bill be made the Special Order of the Day for tomorrow, January 31, at 12:30 o'clock p. m.

Said motion was agreed to.

The hour of 11:30 o'clock a. m. having arrived, the House took up for consideration the Special Order of the Day for that hour to-wit: a bill entitled,

H. B. 19. An act creating the Thirty-fifth Judicial District of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the thirty-fifth judicial district of Kentucky is hereby created and shall be composed of the counties of Pike and Letcher.

§ 2. The Governor of the Commonwealth of Kentucky shall appoint and commission a circuit judge and Commonwealth's attorney of said district, who shall hold their offices until their successors are elected and qualified.

§ 3. The time for holding courts in said district shall be as follows:

Pike county, third Monday in February and continue thirty-six judicial days; third Monday in May and continue thirty-six judicial days, and the second Monday in September and continue thirty-six judicial days.

Letcher county, second Monday in January and continue twenty-four judicial days; second Monday in April and continue twenty-four judicial days, and second Monday in August and continue twenty-four judicial days.

Whereas, There is a congested condition of the civil and criminal docket in both of the counties of Pike and Letcher resulting in a great delay in the trial of cases pending in said courts, to the hindrance of the administration of justice, an emergency is therefore declared to exist and this act

shall become effective upon its passage and approval by the Governor.

Mr. McClure offeted the following amendment to said bill:

Strike out at the end thereof the emergency clause and insert in lieu thereof the following: That this bill shall take effect on and after its passage and that all acts or parts of acts in conflict herewith are hereby repealed.

Said amendment was agreed to.

Mr. Wilson offered the following amendment to said bill:

Amend by inserting in line 3, of Section 3, after the words "county" the words "at Pikeville," and by inserting in line 7, Section 3, after the word "county" the words "at Whitesburg."

Said amendment was agreed to.

Ordered that sail bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	Eli Berry
Robert H. Akin	George Baker	A. V. Bertram
Eugene G. Asher	J. M. Bean	Thos. M. Bertram

E. Bishop	Elwood Hamilton	Marion F. Pogue
John F. Brewer	V. D. Hammond	John A. Polin
Hiram Brown	A. B. Holland	S. L. Robertson
Wallace Brown	R. Dillard Hunter	Robt. H. Scott
Wm. L. Bowling	Earl C. Huntsman	Walter S. Sinclair
C. W. Burton	W. E. King	W. Scott Smith
G. E. Carroll	M. C. Kirk	Adam Spahn
George P. Chinn	William J. Kuh	A. H. Stamper
W. Frank Cole	J. Albert Leach	Henry Thomas
Elkanah Dickey	F. A. Lochry	C. B. Thompson
Francis B. Douglas	B. J. Matthews	E. B. Thompson
G. L. Drury	S. F. Middleton	D. B. Thurman
Ben F. Egleston	R. C. McClure	Louis B. Tieman
J. H. Elder	Charles D. McCrea	Yeaman Watkins
Eli Farmer	W. N. McCubbin	E. B. Wiley
John M. Farra	C. B. Nichols	J. H. Williams
S. Walton Forgy	Luther C. Owings	B. S. Wilson
Allie T. Gaines	W. F. Parker	Charles Yancy
D. Clarence Gray	William A. Perry	Edward L. Young
Joe Hall	W. V. Perry	—68

Those who voted in the negative were—

H. C. Blades	L. B. Herrington	Harry J. Meyers
Henry Chunn	W. J. Jackson	L. B. Owen
Sidney G. Clay	Green R. Keller	A. W. Palmer
John F. Fryer	James A. Leach	
T. J. Gregory	Hugh Mahin	—13

Resolved that the title thereof be as aforesaid.

Mr. Williams moved that the vote by which said bill wass passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in an amendment which was pro-

posed by the House of Representatives to a resolution which originated in the Senate entitled,

S. Res. 10. Resolution providing for the appointment of a Committee from the Senate and House of Representatives to gather information concerning the State University at Lexington.

And had adopted said resolution as amended.

That they had passed bills of the following titles, viz.:

1. S. B. 11. An act changing and fixing the date for holding courts in the Twenty-seventh Judicial District of Kentucky.

2. S. B. 21. An act relating to fire, lighning, hail, windstorm and sprinkler leakage insurance and to regulate and control the rates of premiums thereon and creating a State Insurance Board and defining the powers and duties of said Board.

3. S. B. 36. An act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges.

Ordered that said bills be printed and referred,

1. To Committee on Circuit Courts.

2. To Committee on Insurance—Fire and Marine.

3. To Committee on Costitutional Amendments.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same.

Mr. L. C. Owings moved that said bill be recommitted to the Committee on State Fair and that said Committee have leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 154. An act for the protection of fish and game.

Mr. Clay moved that said bill be recommitted to the Committee on Fish and Game and that said Committee have leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 50. An act providing for a Hospital Board for the management and control of the city hospital in cities of the first class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, when the city hospital shall be constructed and turned over to any city of the first class, as now, by law, provided, the mayor of any city of said class shall appoint

four persons, who with the mayor as an ex-officio member, shall constitute the Hospital Board. Two of said appointees shall be members of the Democratic Party and two members of the Republican Party. Each appointee shall be at least thirty years of age, shall have resided in the city for which they are appointed for not less than three years before such appointment and an owner in fee of real estate therein. No officer, or employee of said city, whether his position be one of profit or otherwise, shall be appointed on said Board. Said appointments shall be subject to the approval of the Board of Aldermen in such city and the term of office shall continue for the period of four years. In case of vacancies they shall be filled in the same manner as in case of original appointments.

§ 2. The members appointed and provided for in the first section and their successors, shall constitute a body corporate under the name of the Hospital Board of Trustees (the name of the city in which they are appointed to be used to fill the blank) and shall have power to contract and be contracted with, to sue and be sued, in that name, to adopt a seal and alter same at pleasure and to elect one of the appointed members as chairman of the Board.

§ 3. That said Board shall have full power to take charge of the city hospital and all property and things thereto belonging, to control, manage and keep same in repair, and the persons in charge of such property and belongings at the time of the organization of the Hospital Board as provided in this act, shall turn over same to said Board. Within thirty days after its organization said Board shall prepare and adopt a code of rules and regulations, providing for the meetings and general conduct of the Board in administering the affairs of the hospital, the government and control thereof, which said rules shall be duly published and

thereafter shall be binding on the members and the public alike, and shall not be changed, modified, or repealed except on due notice given for thirty days before action is taken. For any violation of said rules by employees or inmates, the Board shall have the power to inflict proper but humane punishment.

§ 4. That said Board shall take charge and have the exclusive control of all property, real or personal, belonging or appertaining to the city hospital or that may hereafter be given or granted to it, and Sections 2810, 2827 and 2861 of the Kentucky Statutes, insofar as they are in conflict with the provisions of this act, are hereby repealed.

§ 5. All legal services required by the Hospital Board shall be rendered by the City Attorney and his assistants without additional compensation. The members of the Board shall serve without compensation.

§ 6. The Hospital Board is hereby authorized and empowered to establish and conduct a school for trained nurses in connection with the city hospital, and said Board shall make all needed rules for the government of such school, as a part of the code named in Section 3.

§ 7. That said Board when organized shall have full power and control over Hospital Department as now created and constituted by ordinance and over such as may hereafter be so created, modified or constituted by ordinance of the General Council, with the right and power to appoint all agents, officers, employees and servants in the Hospital Department and may remove same, wherever in the judgment of the Board, the public service requires same: Provided, that the Board shall not appoint one of its members to any position. The

said offices, agencies, or positions shall remain as now fixed by ordinance subject to amendment, change or repeal by future action of the General Council on the recommendation of the Board, and the Board from time to time as required by ordinance, shall make up the pay roll for the Hospital Department and deliver same to the fiscal officers of the city so that same may be certified and registered for the approval of the General Council each month, as provided by ordinance now for the Board of Public Safety, and in no event shall the compensation allowed be in excess of salaries as fixed by ordinance. The Board shall, at the end of each fiscal year, and oftener if requested by the mayor or General Council, make a full report in writing of its acts and doings and condition of its affairs, accounts and other things of general interest, to the General Council or Mayor.

§ 8. The necessary materials, furnishings, supplies and sundries, required for the needs of the hospital, shall be purchased by the City Buyer as now, or hereafter, provided by ordinance, on the requistions of the Board. All improvements, additions and repairs shall be done under the supervision of the Board of Public Works as now required by law, on the recommendation of the Hospital Board.

§ 9. That all acts or parts of acts or provisions in conflict with this act to the extent only of such conflict, are hereby repealed.

§ 10. That this act shall become effective on and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Allie T. Gaines	L. B. Owen
Robert H. Akin	D. Clarence Gray	Luther C. Owings
Eugene G. Asher	T. J. Gregory	A. W. Palmer
P. L. Atherton	Joe Hall	W. F. Parker
George Baker	Elwood Hamilton	J. R. Paxton
J. M. Bean	L. B. Herrington	William A. Perry
Eli Berry	A. B. Holland	W. V. Perry
A. V. Bertram	John W. Holland	Marion F. Pogue
E. Bishop	R. Dillard Hunter	John A. Polin
H. C. Blades	Earl C. Huntsman	S. L. Robertson
John F. Brewer	W. J. Jackson	Robt. H. Scott
Hiram Brown	Green R. Keller	Walter S. Sinclair
Wallace Brown	John G. Kelley	W. Scott Smith
Wm. L. Bowling	W. E. King	Adam Spahn
C. W. Burton	M. C. Kirk	A. H. Stamper
G. E. Carroll	Charles H. Knight	John G. Stoll
George P. Chinn	William J. Kuh	Henry Thomas
Henry Chunn	James A. Leach	C. B. Thompson
Elkanah Dickey	J. Albert Leach	E. B. Thompson
G. L. Drury	F. A. Lochry	D. B. Thurman
Ben F. Egleston	B. J. Matthews	Yeaman Watkins
J. H. Elder	S. F. Middleton	E. B. Wiley
Eli Farmer	R. C. McClure	J. H. Williams
John M. Farra	Charles D. McCrea	Charles Yancy
S. Walton Forgy	W. N. McCubbin	Edward L. Young

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Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 49. An act appointing matrons for jails for cities of the first class.

Sail bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. STATION HOUSES FOR FEMALE PRISONERS TO BE DESIGNATED.—That within ninety days after the adjournment of the present General Assembly, the Mayor of each city for the first class shall designate one or more station houses within the said city for the detention of all female prisoners who may be properly detained in a station house while awaiting trial, and said Mayor may thereafter change the station house or station houses so designated; Provided, however, That at least one station house shall always remain as a place in which female prisoners shall be detained, until they shall have been set at liberty, or removed by order of a competent court.

§ 2. JAIL DESIGNATED.—Where there shall be a county jail in said city of the first class, the mayor of said city shall also designate it as a place in which female prisoners may be detained awaiting trial, or after trial, until removed or set at liberty by the order of a competent court.

§ 3. MATRONS TO LOOK AFTER FMEALE PRISONERS TO BE APPOINTED.—Immediately upon such designation of such station house or station houses and county jail, if there be a jail in such city, the Mayor, the Judge of the Criminal Court and the Judge of the County Court shall constitute a Board to

appoint for the county jail, two respectable women to care for nad have supervision over the female prisoners, subject to the orders of the jailer in said place of detention. One of the women appointed by the Board shall be called Police Matron, and she will be stationed at the jail, if there be a jail in the county, and there shall also be appointed by the Board, composed of the Mayor, Judge of the Criminal Court and Judge of the County Court, an assistant police matron for the jail, and the Mayor may appoint two assistant police matrons for each of the station houses which may have been designated by the mayor for the detention of female prisoners.

§ 4. MATRONS TO BE APPOINTED FOR THE JAIL BY THE MAYOR, JUDGE OF THE CRIMINAL COURT AND JUDGE OF THE COUNTY COURT AND FOR THE CITY BY THE MAYOR.—No woman shall be appointed either police matron or assistant police matron for the jail until the said Board composed of the Mayor, Judge of the Criminal Court and Judge of the County Court, is notified by the jailer that there is no matron stationed at the county jail. And in the event a vacancy occurs in the office of the matron's department at the county jail, the jailer shall notify the appointing Board personally and individually, either in writing or in person that such vacancy exists, and it shall be the duty of such Board to appoint a woman of good moral reputation and character. Said appointees to have educational ability sufficient to make out all reports necessary and discharge her duty according to law and rules of the jail.

§ 5. TERM OF OFFICE OF MATRONS.—Neither the police matron nor assistant police matrons shall be appointed for any definite term, but they shall hold their positions until removed, which may be done at any time for the good of the service. A report in writing must be submitted by the jailer

to the Board for the county jail and to the Mayor by the Chief of Police for the city based on inefficiency, incompetency, insubordination or other sufficient cause. Upon the death, resignation, or removal of either of the women so appointed by the Board for the county jail and by the Mayor for the city, her successor shall be appointed in the manner aforesaid, within two days after the Board has been notified by the jailer and within two days after the Mayor has been notified by the Chief of Police for the city as provided in Section 4 of this act.

§ 6. Hours of Service and Duties of Matrons.—The hours of service of the police matron and the assistant matrons at the county jail shall be so arranged by the jailer for the ocunty jail and the Chief of Police for the city, that at least one of them shall at all hours of the day and night be on duty at each of the places in which there shall be one or more female prisoners detained. The Police Matron shall have, subject to the control of the jailer, the entire care of women and children under arrest in the county jail, which may be designated for female prisoners, and subject to the control of the Chief of Police of women and children under arrest at station houses, and she may call upon a police officer or a jailer, or his deputy for assistance.

§ 7. Rooms to be Provided for Matrons and Female Prisoners at the County Jail.—In every jail in which a police matron or an assistant police matron serves, sufficient and proper accommodations shall be provided therein for women confined under arrest. There shall also be provided at said jail designated for female prisoners a comfortable and suitable room or rooms which the police matron or the assistant police matron, as the case may be, may occupy, and if, in the opinion of such matron the accommodations are not sufficient, or proper at the county jail, she shall notify

the jailer, and he shall provide the necessary and proper accommodations; the expense necessary therefore to be paid by the proper county authorities out of the County Treasury. The police matron or assistant police matron stationed at the county jail shall be subject to the orders of the Chief of Police for special duty in her line when he may see fit to call her.

§ 8. How Provided for by the City.—The police matron and assistant police matron for the city in cities of the first class shall be under the control of the Chief of Police, and he shall provide proper accommodations for said police matron and assistant police matron, if any, at any station house or houses that may be designated for the care and keep of female prisoners. And for the appointment of matron or matrons for the city, the mayor shall be notified by the Chief of Police of the necessity for making such appointment, and if any vacancy should occur at any time, the Chief of Police shall notify the mayor that such vacancy exists.

§ 9. Matron to be Notified When Female or Child Incarcerated.—Whenever in any city, where a police matron should be appointed under this act, a woman or child is taken to the station house or jail in which a police matron or an assistant police matron is attached, and she shall not be present at the time said woman or child is received, the keeper of said station or jail shall immediately notify her that such female or child, is detained at said place.

§ 10. Matrons to Have Charge of Assistant Matron.—The police matron shall, subject to the jailer at the county jail, and Chief of Police at station houses, have charge of the assistant police matrons, and shall instruct them as to their duties and shall see that they give proper care to the female prisoners under their charge.

§ 11. MATRONS TO ATTEND CRIMINAL COURT—WHEN.—The police matron or one of the assistant police matrons shall attend the Circuit Court and Police Courts in said city whenever a female prisoner is brought before said courts, and she shall have charge of said women, subject to the orders of the court.

§ 12. "POLICE STATION," "WOMEN," MEANING OF WORDS.—The words "police station" shall be construed under this act to mean any place where persons are temporarily under arrest; the word "women" shall include any person of the female sex.

§ 13. MATRON TO BE PRESENT WHEN FEMALE SEARCHED—SALARY OF MATRON AND ASSISTANTS—EXPENSES, HOW AND BY WHOM PAID.—Whenever it becomes necessary to search a female prisoner, it shall be done by of in the presence of the police matron, or an assistant police matron. The salary of the police matron, shall be seventy-five dollars per month, and that of assistant police matrons fifty dollars per month. The expenses necessary for providing the proper accommodations for the police matron and assistant police matron at the jail, and for sufficient and suitable accommodations for the female prisoners detained therein, as provided for in this act, and the salary of the police matron and the assistant police matron at the county jail shall be borne by the county in which said jail is located, and the expenses necessary for providing a suitable room or rooms at each of the station houses designated for the detention of female prisoners and the salary of each of the assistant matrons at said station houses, and the expense of providing suitable accommodations for said female prisoners, shall be borne by the city of the first class as other expenses, shall in the police department are provided.

§ 14. Whereas, this Act is intended to supersede all other acts pertaining to police matrons and by the enactment of this law all laws in conflict herewith are hereby repealed. Therefore, as the office of police matron in cities of the first class does no longer exist, an emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	W. Frank Cole	W. J. Jackson
Robert H. Akin	Elkanah Dickey	Green R. Keller
Eugene G. Asher	G. L. Drury	John G. Kelley
George Baker	Ben F. Egleston	Charles H. Knight
J. M. Bean	J. H. Elder	William J. Kuh
Eli Berry	Eli Farmer	James A. Leach
A. V. Bertram	John F. Fryer	F. A. Lochry
Thos. M. Bertram	Allie T. Gaines	B. J. Matthews
E. Bishop	D. Clarence Gray	S. F. Middleton
John F. Brewer	T. J. Gregory	R. C. McClure
Hiram Brown	Joe Hall	Charles D. McCrea
Wallace Brown	Elwood Hamilton	W. N. McCubbin
C. W. Burton	L. B. Herrington	C. B. Nichols
G. E. Carroll	A. B. Holland	L. B. Owen
George P. Chinn	John W. Holland	Luther C. Owings
Henry Chunn	Earl C. Huntsman	A. W. Palmer

W. F. Parker	S. H. Rogers	E. B. Thompson
J. R. Paxton	Robt. H. Scott	D. B. Thurman
William A. Perry	Walter S. Sinclair	Louis B. Tieman
W. V. Perry	W. Scott Smith	Yeaman Watkins
Marion F. Pogue	Adam Spahn	J. H. Williams
John A. Polin	A. H. Stamper	Charles Yancy
W. A. Price	Henry Thomas	Edward L. Young
S. L. Robertson	C. B. Thompson	

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Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 48. An act for the commutation of sentence for prisoners confined in jails of cities of the first class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Persons sentenced to confinement by any court of competent jurisdiction of this State to confinement in any county jail, in any county containing a city of the first class, shall be entitled to a commutation of their sentences for good behavior, as provided in the succeeding sections of this act.

§ 2. The jailer of every such jail shall keen a daily record of all prisoners confined under sentence and whenever in the opinion of the jailer any such prisoner has in any cal-

endar month obeyed all the rules and regulations established by said jailer, such prisoner shall be entitled to a commutation of three days for each calendar month of his sentence in which he has so complied with said rules and regulations, if his sentence be six months or less. And to a commutation of five days for each additional calendar month of his sentence in which he so complies with said rules and regulations, if his sentence be more than six months.

§ 3. If any person so receiving commutation for good behavior is incarcerated in the same jail, in cities of the first class, for the second time for another offense, and is sentenced by a court to do time, his or her commutation will be reduced by two days for each month of said service under sentence. And if the same person is sentenced to the same jail, in cities of the first class for time service for the third time, be or she shall not be allowed good time for the first six months, and but one day each for each calendar month after the first six months if his or her sentence be more than six months.

§ 4. Whereas, owing to the number of prisoners confined in jails of cities of the first class, said prisoners often become unruly and disorderly and it is necessary to provide an inducement to their good behavior, therefore an emergency is declared to exist and this act shall take effect and be in force from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	Luther C. Owings
Robert H. Akin	T. J. Gregory	A. W. Palmer
Eugene G. Asher	Joe Hall	W. F. Parker
J. M. Bean	V. D. Hammond	J. R. Paxton
Eli Berry	L. B. Herrington	William A. Perry
E. Bishop	John W. Holland	W. V. Perry
H. C. Blades	W. J. Jackson	Marion F. Pogue
John F. Brewer	Green R. Keller	John A. Polin
Wallace Brown	John G. Kelley	W. A. Price
Wm. L. Bowling	Charles H. Knight	S. H. Rogers
C. W. Burton	William J. Kuh	Robt. H. Scott
G. E. Carroll	James A. Leach	Walter S. Sinclair
George P. Chinn	J. Albert Leach	W. Scott Smith
Henry Chunn	F. A. Lochry	Adam Spahn
Sidney G. Clay	Hugh Mahin	Henry Thomas
W. Frank Cole	B. J. Matthews	D. B. Thurman
Elkanah Dickey	S. F. Middleton	Louis B. Tieman
G. L. Drury	R. C. McClure	E. B. Wiley
Ben F. Egleston	Charles D. McCrea	J. H. Williams
J. H. Elder	W. N. McCubbin	Edward L. Young
John M. Farra	C. B. Nichols	
S. Walton Forgy	L. B. Owen	—64

Those who voted in the negative were—

Allie T. Gaines	E. B. Thompson	Yeaman Watkins

—3

Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 51. An act to establish curfew hours in cities of the first and second class.

Said bill was read as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That it shall be unlawful for any minor person, 16 years or under 16 years of age, to be, or to remain in or upon any of the streets, alleys or public places in any city of the first and second class in the State of Kentucky, after the hour of 9 o'clock p. m. each evening of each year from and after the passage of this act.

Unless such person is accompanied by his or her parent, guardian or other person having legal custody and control of such minor person, or other proper persons other than a minor into whose hands said child or children has been placed by parents, guardian or legal custodian, or unless such minor person is in the performance of an errand of duty directed by his or her parent, guardian or other person having his or her care or custody, or where the employment of such minor person makes it necessary that said minor person be upon said streets, alleys or public places during the night after said specified hours.

And any minor person so employed must have in his or her possession a permit in writing, or a small badge to be furnished by the Chief of Police without cost, or if a charge is made, it shall not exceed one dime over and above the cost of said permit or badge, and any profit so made

shall apply to the Police Pension Fund, if any. If there is no Police Pension Fund then it shall apply to the School Fund in cities of the first and second class.

It shall be the duty of the Chief of Police to cause a record to be kept in which the names of all minor persons so applying for a permit shall be recorded, together with the day and date, color and age of said applicant.

Any minor person receiving such permit who may become unemployed will not be permitted to use said permit or badge without permission for cause from the Chief of Police, who may cause such minor person's arrest for failure to comply with the provisions of this Act.

§ 2. It is hereby made unlawful for any parent, guardian or other person having the legal care and custody of any minor person sixteen or under sixteen years of age to allow or permit any such child, ward, or other person sixteen years or under sixteen years of age while in his or her legal custody to go or to be unaccompanied upon any of the streets, alleys or public places in said cities of the first and second class within the time prohibited in Section 1 of this act, unless there exists a reasonable necessity therefor.

§ 3. Each member of the police force of any city of the first and second class, while on or off duty, or any constable or other person empowered to make arrest, is hereby authorized to arrest without warrant and person within his or her presence, or on complaint of any reliable and responsible person or persons, of the violation of Section 1 of this Act, at any other place within said officers' jurisdiction, he shall at once if consistent with the performance of his or her duty repair to the place of which complaint is made and place

under arrest any minor person or persons found at such place who may be violating any of the provisions of Section 1 of this act.

And any officer so empowered with arrest who fails to carry out the provisions of this act shall be subject to reprimand for first offense, and for the second offense a fine in a sum not less than two dollars or more than ten dollars without remission, or suspension for not less than two or more than five days.

Every minor so arrested shall be taken before the proper authorities who may parole or place them in custody to await trial. Any minor so paroled must be notified before parole to appear before the Police Court, or the Juvenile Court, if any, to answer to the charge placed against any such minor.

If for any cause, except sickness, the said minor fails to appear, an attachment shall issue for same, who shall be taken before the Judge of the said Court on the day set for hearing, together with the parents guardian, or legal custodian, and the parents, guardian or legal custodian shall state whether or not they refuse to be held responsible for the obsrevance of the provisions of this act by said minor person.

§ 4. It shall be the duty of the Police Judge or the Judge of the Juvenile Court, if any, upon the arrest of any child or minor person, where the guardian or legal custodian of such minor person refuses to become responsible for such minor, for the violation of the provisions of Section 1 of this act, to inquire into the facts of said arrest, the conditions and curcumstances of such child or minor person, and, if it shall appear that such child or minor person for

want of proper parental care, guardianship or control, its growing up in mendicancy or vagrancy, or is incorrigible, to cause the proper proceedings to be had and taken as authorized by the laws of the State for such cases.

§ 5. It shall be the duty of the Mayor or the Board of Public Safety in each city of the first and second class, to cause the bells of the fire department to ring through the city, or to make other and proper arrangements to give the signal of curfew hours. If with bells of the fire department, not less than two or more than five taps on each bell. If other proper arrangements are made for a signal it shall be if not less than twenty seconds' duration.

§ 6. Any person or persons, either minors sixteen years of age, or under sixteen years of age, or the parent or parents, guardian or legal custodian of said minor person, who shall directly violate any of the provisions of this act, shall, on conviction theroef, be fined in a sum not less than two dollars nor more than fifty dollars, and in the event of failure to pay such fine, may be sentenced by the Judge of the Court before whom the conviction may be had, to the Detention Home or Reform School, or other place of incarceration and correction, or the County Jail, and each day of the term of incarceration shall equal one dollar of the fine so imposed and terminate only when fine and costs are paid by an equal number of days' imprisonment.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

George Baker	T. J. Gregory	W. N. McCubbin
Elkanah Dickey	William J. Kuh	A. W. Palmer
D. Clarence Gray	B. J. Matthews	S. L. Robertson

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Those who voted in the negative were—

William Ahl	John F. Fryer	J. R. Paxton
Robert H. Akin	Allie T. Gaines	William A. Perry
Eugene G. Asher	Joe Hall	Marion F. Pogue
J. M. Bean	Elwood Hamilton	John A. Polin
A. V. Bertram	V. D. Hammond	W. A. Price
Thos. M. Bertram	A. B. Holland	Stanley F. Reed
E. Bishop	John W. Holland	S. H. Rogers
H. C. Blades	James R. Howell	H. A. Schoberth
John F. Brewer	W. J. Jackson	Robt. H. Scott
Wallace Brown	Green R. Keller	Walter S. Sinclair
Wm. L. Bowling	M. C. Kirk	W. Scott Smith
C. W. Burton	James A. Leach	A. H. Stamper
G. E. Carroll	J. Albert Leach	Henry Thomas
George P. Chinn	F. A. Lochry	C. B. Thompson
Henry Chunn	Hugh Mahin	D. B. Thurman
W. Frank Cole	S. F. Middleton	Louis B. Tieman
Francis B. Douglas	R. C. McClure	Yeaman Watkins
G. L. Drury	Charles D. McCrea	E. B. Wiley
J. H. Elder	C. B. Nichols	J. H. Williams
Eli Farmer	L. B. Owen	Charles Yancy
S. Walton Forgy	W. F. Parker	Edward L. Young

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And so said bill was rejected.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 115. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants, barber shops and Pullman cars

Said bill was read as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any waiter, servant or attache of any hotel, inn or public eating house, barber shops and Pullman cars to accept any money or other thing of value as a tip.

§ 2. That for any violation of this act the person or persons so offending shall upon conviction be fined in the sum of not less than ten, nor more than twenty dollars for each offense.

The amendment as proposed by the Committee on Kentucky Statutes is as follows, viz.:

Amend by inserting after the word "shops" the word "parlor."

Said amendment was agreed to.

Mr. Robertson offered the following amendment to said bill:

In Section 1, line 3, after the word "Pullman cars" insert the words "Pullman sleeping cars, dining cars, public parks and cafes." Also add as Section 3, the following:

Sec. 3. All hotels, restaurants, barber shops, Pullman sleeping and parlor cars, dining cars, public parks and cafes shall have conspicuously displayed not less than two placards to be not less than sixteen inches in length and eleven inches in height printed in bold, black letters not less than one and one quarter inches square the words "tipping of employees forbidden under penalty of from ten to twenty dollars fine under State law," and the act pertaining to same printed underneath thereof.

Said amendment was agreed to.

Mr. John W. Holland offered the following amendment, viz.:

All as Section 4, the following:

Sec. 4. Whereas the members of the General Assembly are not paying out sums of money in the way of tips an emergency is declared to exist and this act shall take effect upon its approval by the Governor.

Said amendment was agreed to.

Mr. Kelly offered the following amendment, viz.:

Amend by adding to Section 1 the following: or for any customer, traveler or boarded to give or offer to any servant or attache and money or other thing of value as a tip.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
Thos. M. Bertram
H. C. Blades
John F. Brewer
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
Henry Chunn
Sidney G. Clay
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
V. D. Hammond
John W. Holland
James R. Howell
John G. Kelley
M. C. Kirk
William J. Kuh
James A. Leach
J. Albert Leach
B. J. Matthews
R. C. McClure
W. N. McCubbin
C. B. Nichols
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
S. L. Robertson
S. H. Rogers
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
Henry Thomas
D. B. Thurman
E. B. Wiley
J. H. Williams
Edward L. Young

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Those who voted in the negative were—

E. Bishop
George P. Chinn
Ben F. Egleston
Elwood Hamilton
S. F. Middleton
C. B. Thompson
Yeaman Watkins

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Mr. Akin offered the following amendment to the title of said bill, viz.:

Amend the title of said bill so that it will read as follows:

An act prohibiting waiters and servants from accepting tips in hotels and restaurants, barber shops, Pullman cars and other places, and prohibiting persons from offering or giving tips and prescribing punishment therefor.

Said amendment was agreed to.

Mr. Akin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the house adjourned.

WEDNESDAY, JANUARY 31, 1912.

The House was opened with prayer by the Rev. Father Joseph A. Flynn of the Roman Catholic Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following petitions were presented, viz.:

1. By Mr. Parker:

Petition of sundry citizens of the City of Corbin, Kentucky, asking that said city be permitted to remain a fourth class city.

2. By Mr. Akin:

Petition of sundry citizens of Caldwell County asking the enactment of a law to permit the use of schoolhouses for organization and educational purposes.

3. By Mr. Bishop:

Petition of sundry pharmacists of Henderson, Kentucky, protesting against the passage of House Bill No. 263.

Which were received, their reading dispensed with and referred,

1. To Committee on Classification of Cities and Towns.

2. To Committee on Education No. 1.

3. To Committee on Public Health.

The Speaker laid before the House the following communication:

San Francisco, Cal., 29, 1912.

To the House of Representatives, State of Kentucky:

Hon. J. N. Gillette, former Governor of California and Dr. Robert Newton Lynch, Vice-President and general California development board leave San Francisco next month as Representatives of the Panama Pacific International exposition for the purpose of visiting your State and informing its citizens as to the National character and world wide scope of this exposition celebrating completion of the Panama Canal by the United States. They will be in Frankfort February 22 and 23, and we respectfully request that a joint session of the Legislature be held February 23, and they be permitted to appear before and address this joint session.

(Signed) CHARLES C. MOORE.

Said communication was read by the Clerk of the House and ordered to be referred to the Committee on Federal Relations.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 193. An act to amend an act entitled "An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor," approved March 21, 1906, and being Sections 37 and 38, Kentucky Statutes.

By Mr. Pogue of the Committee on Education No. 1.

H. B. 163. An act to provide for the examination of teachers and fixing the dates of examinations.

By same:

H. B. 102. An act to empower the Board of Trustees of graded schools operating under special charters, known as special act schools, to levy tax for maintenance.

By same:

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

By same:

H. B. 262. An act to give teachers in the public schools credit for attendance at the county institute.

By same:

H. B. 228. An act to repeal portions of and amend Article 3, Chapter 113, entitled "Board of Education," Carroll's Kentucky Statutes, 1909, and to establish a new State Board of Education with increased powers, to make more efficient the common school system of Kentucky.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 209. An act for the benefit of the Attorney General's Office, allowing $1,200.00 annually for additional clerk hire.

By same:

H. B. 248. An act to amend an act approved March 22, 1910, amending and re-enacting Section 2463, Kentucky Statutes, relating to liens of mechanics and material men.

By same:

H. B. 95. An act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of denistry in the State of Kentucky.

By same:

H. B. 65. An act creating the County of McCreary.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 136. An act to amend Section 11 of Article 4 of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, being Section 3068, Kentucky Statutes.

By same:

H. B. 39. An act in relation to the procuring of female persons to become or to remain prostitutes; to define and pro-

hibit the same; to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

Together with an amendment thereto by way of substitute therefor.

By same:

H. B. 73. An act to amend Sections 2557 and 2557a of Carroll's 1909 edition of the Kentucky Statutes.

Together with an amendment thereto by way of substitute therefor.

By same:

H. B. 203. An act to regulate the sale of opium or its alkoloidal salts or their derivatives or of any admixture thereof.

By same:

H. B. 90. An act to create and establish the Kentucky State Board of Examiners in optometry, describing its duties and powers, defining and regulating the practice of optometry in this State, and prescribing penalties for a violation thereof.

By same:

H. B. 71. An act prescribing the liabilities of an employer to make compensation for injuries received by an employee in the course of his employment.

By Mr. Leach of the Committee on Banks and Banking:

H. B. 58. An act to establish a Department of Banking; providing for the appointment of a Commissioner, Deputy Commissioner and examiners thereof and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

With an amendment thereto.

By Mr. Hamilton of the Committee on Redistricting—Judicial:

H. B. 24. An act to create the Thirty-fifth Judicial District of Kentucky, and to change the twelfth and fourteenth Circuit Court Judicial Districts and to provide for the holding of Courts in the said Thirty-fifth Judicial District.

By Mr. Reed of the Committee on Constitutional Amendments:

H. B. 16. An act to amend and re-enact Section 253 of the Constitution of Kentucky.

By same:

H. B. 208. An act to amend Section 171 Constitution of the Commonwealth of Kentucky.

By Mr. Polin of the Committee on Circuit Courts:

H. B. 271. An act to change the time of holding Courts in the Twenty-fourth Judicial District.

By Mr. Thurman of the Committee on Criminal Law:

H. B. 134. An act making it a felony for any person to admit to their house, or to take or direct to any house for the purpose of prostitution or lewdness, any female under the age of sixteen (16) years; and fixing the penalty therefor.

By same:

H. B. 237. An act to amend and re-enact Article 4, Subdivision 2, Chapter 36, Sections 1254 and 1255 of the Kentucky Statutes (Carroll) relating to firing woods and penalty therefor.

By Mr. Gray of the Committee on Forestry:

H. B. 61. An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 32. An act to amend Section 12 of an act approved March 20, 1910, entitled "An act to prevent the spread of communicable disease among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State.

H. B. 213. An act to amend and re-enact Section 378 of the Kentucky Statutes which is a part of Article 7 of an act of April 5, 1893, entitled "Corporations—Private."

H. B. 149. An act granting a pension of $10 per month to Confederate soldiers or their widows.

Together with an amendment thereto by way of substitute therefor.

H. B. 111. An act to amend and re-enact Sections 15, 20 and 30 of the Acts of 1910, Chapter 13, relating to uniform series of school text books, county and city Text Book Commissions, regulation and penalty.

H. B. 28. An act to repeal an act entitled an act to establish a bureau of vital statistics and to provide for the immediate registrations of all births and deaths throughout the State of Kentucky be means of certificates of births and deaths and burial or funeral permits; requiring prompt returns to the bureau of vital statistics, as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics; and to insure the through organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

Together with an amendment thereto by way of substitute therefor.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Wallace Brown moved that the rules be suspended and that the House take up for consideration from the Clerk's desk a resolution entitled,

S. Res. 7. Resolution providing stenographic and legal assistance to special committee investigating Auditor's Agents.

Said motion was disagreed to.

Mr. Knight of the Committee on Enrollments reported that they had examined and found correctly enrolled a resolution which originated in the Senate entitled,

S. Res. 10. Resolution providing for the appointment of a committee from the Senate and House of Representatives to gather information concerning the State University at Lexington.

Whereupon all other business was suspended, said resolution was read at length and compared in open House and was found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

After a time the Enrolling Clerk reported that she had discharged that duty.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 69. An act repealing the charter of the Adairville public school district.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act to incorporate and establish a system of public schools in District No. 49, including the town of Adairville, incorporated by and known as the Adairville Public School District," which act was approved March 24, 1888, and contained in the Acts of the General Assembly of 1887-8, in Vol. 2 thereof, Chapter 637, page 376, be and the same is hereby repealed and said corporation is hereby dissolved.

§ 2. This act shall take effect and be in full force and effect from and after it passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George Baker	A. V. Bertram
Robert H. Akin	J. M. Bean	E. Bishop
Eugene G. Asher	Eli Berry	John F. Brewer

Hiram Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
G. L. Drury
Ben F. Egleston
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
A. B. Holland
John W. Holland
James R. Howell
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
L. B. Owen
Luther C. Owings
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy

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Mr. W. V. Perry moved that the vote by which said bill was passed be considered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 104. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat in this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any circus or wild west show to make an exhibition in any city in this Commonwealth, without first obtaining a permit from the mayor of said city to do so, or near to the limits to any city, unless getting a permit from the County Judge of the county in which the show is to be held. For any violation of the provisions of this section, a fine of not less than $100, nor more than $500, shall be imposed.

§2. That it shall be unlawful for any mayor or County Judge to issue a permit to any circus or wild west show to make an exhibition during the time any live stock and agricultural fair is being held in the county seat. The president of any fair association shall, at least two weeks before said fair is to be held, file notice with the mayor and County Judge of the dates on which said fair is to be held, and this shall be notice to said mayor or County Judge that no license or permit shall be issued to any circus or wild west show during the period of said fair exhibition. For the violation of the provisions of this section, a fine of not less than $25, nor more than $100, shall be assessed.

§ 3. Any acts conflicting with the provisions of this act, or to the extent of said conflict, are hereby repealed.

Mr. John W. Holland offered the following amendment to said bill, viz.:

Amend by striking out the word "Seat" in line 4, Section 2.

Said amendment was agreed to.

Mr. Wallace Brown offered the following amendment to said bill, viz.:

Amend by striking out lines 2, 3, and 4 of section 2, and by inserting in lieu thereof the following: "To issue a permit to any circus or wild west show to make an exhibition in the county during the time any live stock and agricultural fair is being held in the said county. The president of any fair association shall, at."

Said amendment was agreed to.

Mr. Forgy offered the following amendment to said bill, viz.:

Amend by striking out the word "two" in line 5 of Section 2, and inserting in lieu thereof the word "four."

Said amendment was agreed to.

Mr. John W. Holland offered the following amendment to said bill, viz.:

Add as Section 3, the following: "Nothing in this act shall be construed to prohibit shows of any kind from giving exhibitions authorized by law, from exhibiting at any fair with the consent of the fair association."

And make Section 3, Section 4.

Said amendment was agreed to.

Mr. Dickey offered the following as a substitute to said bill as amended, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any traveling circus, train show, or other show, that shows in tents, to give a performance in any town or county on the same date, or dates, or at the same time an agricultural, mechanical, or live stock show is being held. Provided, That this shall not prevent any circus or tent show from giving performances or showing upon the grounds of any agricultural, mechanical or live stock fair association on the same date, or time of the exhibitions of such agricultural, mechanical or live stock association, if same is by and with the consent of such live stock, agricultural or mechanical fair association.

§ 2. Any person or corporation violating the provisions of this act shall be punished by fine of not less than $50, nor more than $500.

Said substitute amendment was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
A. V. Bertram
E. Bishop
John F. Brewer
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
W. Frank Cole
Sidney J. Collins
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
T. J. Gregory
Joe Hall
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
Charles Yancy

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Those who voted in the negative were—

Hiram Brown
D. Clarence Gray
J. R. Paxton
Green R. Keller

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Resolved that the title thereof be as aforesaid.

Mr. Mahin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 35. An act to amend Sections 909, 911 and 1632 of the Kentucky Statutes of 1909, compiled by the Hon. John D. Carroll.

Together with the amendment proposed thereto by the Committee on Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 909, 911 and 1632 of the Kentucky Statutes of 1909 compiled by the Hon. John D. Carroll be amended by striking out the whole thereof of said sections and in lieu thereof there shall be inserted the following so that the said sections as amended shall read:

"Section 909: It shall be the duty of such indexer, subject to the order of the various courts of his county, to compile general cross indexes to the records of such courts and to the records contained in the offices of the clerk thereof, arranging alphabetically the surnames of the parties in interest appearing upon said records according to their initial letters and the arrangement of

the various vowels and consonants therein, the accuracy and acceptability of which general indexes shall be passed upon respectively by the court ordering same.

"Section 911: The official indexer appointed as aforesaid shall receive for his services a sum fixed by the judges appointing and confirming him not exceeding the constitutional limitation, and said indexer may appoint his own assistants subject to the approval of said judges, but their compensation shall rest entirely in the discretion of the judges aforesaid, and such compensation shall be paid as the salary of the county judge is paid; Provided, however, That at no time shall the total expense annually, under this act, exceed the sum of $8,000.

"Section 1632: Any county court or fiscal court may order any of the books or records in the county clerk's office, or in the office of the clerk of the quarterly court, or in the office of the surveyor of the county, or in the circuit clerk's office to be rebound; or, when obliterated, torn, or in a ruinous condition, to be transcribed in new books, and shall make a reasonable allowance therefor which shall be chargeable to the county."

§ 2. All laws and parts of laws in conflict with the foregoing act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Mr. Forgy moved that said bill be recommitted to the Committee on Kentucky Statutes.

Said motion was disagreed to.

The amendment as proposed by the Committee on Kentucky Statutes to said bill is as follows, viz.:

In Section 911 strike out the figures $8,000 and insert in lieu thereof the figures $10,000.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. L. C. Owings and Robertson were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	John W. Holland	S. L. Robertson
George Baker	Earl C. Huntsman	H. A. Schoberth
J. M. Bean	M. C. Kirk	W. Scott Smith
Thos. M. Bertram	Charles H. Knight	Adam Spahn
E. Bishop	William J. Kuh	A. H. Stamper
John F. Brewer	J. Albert Leach	John G. Stoll
Hiram Brown	F. A. Lochry	C. B. Thompson
Wallace Brown	B. J. Matthews	E. B. Thompson
C. W. Burton	Harry J. Meyers	Louis B. Tieman
W. Frank Cole	C. B. Nichols	Yeaman Watkins
Ben F. Egleston	W. F. Parker	E. B. Wiley
Allie T. Gaines	William A. Perry	J. H. Williams
D. Clarence Gray	John A. Polin	B. S. Wilson
Elwood Hamilton	W. A. Price	

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Those who voted in the negative were—

William Ahl	Henry Chunn	John F. Fryer
Robert H. Akin	Sidney J. Collins	T. J. Gregory
Eli Berry	Elkanah Dickey	Joe Hall
A. V. Bertram	G. L. Drury	V. D. Hammond
H. C. Blades	J. H. Elder	L. B. Herrington
Wm. L. Bowling	Eli Farmer	A. B. Holland
George P. Chinn	S. Walton Forgy	James R. Howell

W. J. Jackson	W. N. McCubbin	S. H. Rogers
Green R. Keller	Ben E. Niles	Robt. H. Scott
James A. Leach	L. B. Owen	Walter S. Sinclair
S. F. Middleton	Luther C. Owings	Henry Thomas
R. C. McClure	Marion F. Pogue	Charles Yancy

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Mr. Schoberth offered the following amendment to said bill:

Amend by adding after each of Sections 909 and 911 in Section 1, these words "This shall only apply to counties having cities of the first class."

Pending the consideration of said bill,

The hour of 12:30 o'clock p. m. having arrived, the House took up for consideration the Special Order for that hour, to-wit: a bill entitled,

H. B. 56. An act to provide for certain party nominations by direct vote.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. NOMINATIONS—HOW MADE.—Hereafter all candidates for elective office shall be nominated at a primary election held in accordance with this act, which shall apply to all nominations for offices to be filled at the November election, 1912, except nominations that have been made before the act takes effect, and at all future elections: Provided, That this act shall apply only to political parties

which polled at least 20 per cent of the total vote cast in the State at the last Presidential election preceding any primary election held under this act; and Provided, That this act shall not apply to Presidential electors, to trustees of schools or to other common school district elections, or to elections in cities or towns of the fourth, fifth and sixth classes. Nothing herein contained shall prevent nominations other than those embraced in this act from being made in any manner now allowed by law; and this act shall not be construed to repeal or affect in any way an act entitled "An act to amend an act entitled 'An act for the government of cities of the second class in the Commonwealth of Kentucky,'" approved March 21, 1910, Chapter 50, Acts 1910.

§ 2. TIME AND PLACE OF HOLDING.—A primary election shall be held at the regular voting place in each precinct on the second Saturday in September of each year for the nomination of candidates to be voted for at the succeeding November election: Provided, That in the year of 1912 and in every year thereafter in which a President of the United States is to be elected, said primary election shall be held on the third Saturday in May, instead of the second Saturday in September, and shall be subject to the same laws, rules and regulations as the September primary elections.

§ 3. UNITED STATES SENATORS.—At the last primary election held previous to a session of the Legislature at which a United States Senator is to be elected, party candidates for the office of the United States Senator shall be nominated by a preference vote, and shall be governed by the same rules as candidates for State offices to be filled by the electors of the whole State. In any case, where

through a vacancy, the Legislature is to elect a United States Senator for an unexpired term, party candidates for said office shall be nominated at the last primary preceding the session of the Legislature at which said unexpired term is to be filed, Provided, That said vacancy occurred seventy days before said primary election, and not otherwise. If under this section two candidates for the office of United States Senator are to be nominated by each party at the same primary election, candidates for the full term shall be grouped together and candidates for the unexpired term shall be grouped together on the party ballots under appropriate headings.

§ 4. PRESIDENT AND VICE-PRESIDENT.—In the year 1912 and in every subsequent year in which a President and a Vice-President of the United States are to be elected, a candidate for President and Vice-President shall be nominated by the members of each political party subject to the provisions of this act, by a preference vote in the primary election provided for herein. The names of candidates for President and Vice-President shall be printed on the ballots of the respective political parties of which they are members, upon the filing of nominating petitions as hereinafter provided for in this case of candidates for offices to be filled by the voters of the entire State. But no filing fee shall be required of such candidates and they shall not be required to file the statement with the Secretary of State required of candidates for State offices. In case any person for whom nominating papers are filed under this section, files with the Secretary of State a statement declining to be a candidate for such office, his name shall not be certified by the Secretary of State to be printed upon the party ballot. A blank space shall be left under the title for each of said offices so that an elector may enter the name of

his choice for President or Vice-President, in the event he does not vote for a candidate whose name is on the ballot.

§ 5. DELEGATES TO NATIONAL CONVENTIONS.—In the year 1912 and every subsequent year in which a President and a Vice-President of the United States are to be elected, delegates to the National Conventions of the political parties subject to this act shall be elected at the primary election provided for herein, in the following manner: Four delegates from the State-at-large and two delegates from each Congressional district, shall be elected by the voters of each of said parties. The names of candidates for delegates-at-large shall be printed on the ballot together, and above their names shall be printed the words "Vote for four." The names of candidates for district delegates shall be printed together, and above their names shall be printed the words, "Vote for two." Should any elector vote for more than four candidates for delegate-at-large, his vote shall not be counted for any of such candidates; and should any elector vote for more than two candidates for district delegates, his vote shall not be counted for any of such candidates. Should any elector vote for fewer candidates for delegates of either class than he is entitled to vote for, his votes shall be counted for the candidates so voted for.

(A.)—DELEGATES-AT-LARGE.—The four candidates for delegates-at-large of each political party receiving the highest number of votes shall be delegates-at-large of their respective parties.

(B.)—DISTRICT DELEGATES.—The two candidates for district delegates of each political party receiving the highest number of votes in their respective Congressional districts shall be delegates from such district of their respective parties.

§ 6. ALTERNATE DELEGATES — HOW CHOSEN. — The proper party authorities of each political party subject to this act, shall, not later than fifteen days prior to the holding of their respective party National conventions, elect four alternate delegates from the State-at-large and two alternate district delegates from each Congressional district to said conventions. The manner of said election may be determined by the rules of the respective parties. The names of all such alternate delegates shall forthwith be certified to the Secretary of State by the Chairman and the Secretary of the State Committee or Committees of the respective parties. Certificates shall be awarded by the Secretary of State to all alternate delegates.

§ 7. NOMINATION PAPERS.—Every candidate before a primary election held under this act shall file, or there shall be filed in his behalf, a nomination paper as herein provided, and the name of no candidate shall be printed on any ballot to be used at such primary election unless said nomination papers shall have been so filed. Said nomination papers shall be in substantially the following form:

"We, the undersigned, qualified electors of precinct.... ward.... (to be altered to suit the precinct or ward concerned) County of ..... State of Kentucky, and members of the ..... party, hereby nominate..... ..... who resides at No ..... Street ....., City of ....., County of ....., State of Kentucky (or as nearly as the address can be given) as a candidate for the office of ..... (here specify office) to be held on the second Saturday in September, 19... (or in the third Saturday in May, 19...) as representing the principles of said party; and we declare that we intend to support the candidate herein named.

In Cities.

....

Name of Voter	Street	Number	Date of signing
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having this form written at the top thereof.

Each signer of a nomination paper shall sign but one such paper for the same office, except in cases where more than one office of the same kind are to be filled by the same voters at the same election, in which case a voter may sign for as many candidates as there are offices to be filled, and for no more. Each signer of a nomination paper shall declare that he intends to support the candidate named therein. He shall add his residence and street number, if any, and the date of signing. No nomination paper shall be circulated prior to sixty days before the date by which such paper is required to be filed, and no signature shall be counted unless it has been affixed to such nomination papers and bears date within sixty days prior to the time for filing same.

For all nominations as many sheets as necessary may be used for each precinct, but for offices to be filled wholly by the voters of one county or a part thereof, all signers of each separate sheet reside in the same precinct, and all sheets containing signatures from one precinct shall be placed together before filing the nomination paper. For all

offices to be filled by the electors of more than one county, all signatures on each separate sheet shall be residents of the same county but not necessarily of the same precinct, and the form at the top of the sheets in a nominating paper for such offices shall read, "We, the undersigned, qualified electors of.....County," etc. All sheets containing signatures from one county shall be placed together before filing the nomination paper.

Each candidate shall file with his nomination paper, or within three days after the filling thereof, with the officer with whom said nomination paper is filed, a statement that he will qualify for the office named if nominated and elected.

No person who is not a qualified elector, and a member of a party making its nominations under the provisions of this act, and who is not registered, if he lives in a precinct where registration is required, shall be qualified to join in signing any nominating petition; and no person shall sign any nominating petition of any candidate in any political party other than that of which such signer is a member, and with which he is registered, if he resides in a precinct where registration is required. Signatures contrary to the foregoing provisions shall not be counted.

§ 8. TIME AND PLACE OF FILING.—For all offices to be voted for by the electors of one county or of a city, district or subdivision therein, except members of Congress and delegates to National Conventions, said nomination papers shall be filed with the County Clerk of such county, at least thirty days prior to the holding of the primary election. For State officers, members of Congress, delegates to National Conventions, and for all officers to be voted for by the

electors of more than one county, said nomination paper shall be filed with the Secretary of State, at least forty days before the holding of the primary election.

§ 9. NUMBER OF SIGNATURES.—For officers to be voted for by the electors of one county or a portion thereof, said nomination papers shall be signed by at least three per cent and by not more than ten per cent of the total vote of the party of the candidate in the city, county or district, in which he seeks to be elected. For officers to be voted for by the electors of a district comprising more than one county and less than the entire State, said nomination paper shall be signed by at least two per cent, and by not more than ten per cent of the vote of the party in each of at least one-half of the counties in such district: Provided, That for the office of Railroad Commissioner such nomination paper shall be required to have said percentage of signatures in only one-fourth of the counties in a Railroad Commission district; and provided that nominating papers for candidates for district delegates to National Conventions need be signed by only one per cent and by not more than five per cent of the party vote in each of not less than one-half the counties of each Congressional district. For officers to be voted for by the electors of the entire State, said nominating paper shall be signed by not less than two per cent and by not more than ten per cent of the vote of the party of such candidate in each of at least ten counties in the State; Provided, That the nominating petition of a candidate for delegate from the State-at-large need be signed only by one hundred voters of the party of such candidate in each of at least three and not more than five counties in the State.

§ 10. BASIS OF PERCENTAGE.—The basis of percentage in estimating the number of signatures required upon nominat-

ing papers shall be the highest vote of any candidate of the party for the elector at the least election for President.

§ 11. WHEN DESTROYED.—All nomination papers in the custody of the County Clerk and the Secretary of State under the provisions of this act shall be destroyed six months after the primary election for which said papers were filed. But such papers as are material to any investigation or litigation then pending shall not be destroyed until the final determination of such investigation or litigation.

§ 12. INSPECTION OF PAPERS.—All nomination papers filed under the provisions of this act shall at all times be subject to inspection by candidates and by the County Attorney, the Commonwealth's Attorney and the Attorney General.

§ 13. FILING FEES.—At the time of filling nomination petitions, and for the purpose of helping to defray the expenses of the primary there shall be paid to the County Clerk of the county in which the candidate resides, the following fees: For candidates for United States Senator, $100; for Governor, $75; for other State officers, $50; for Judges of the Court of Appeals and Circuit Court, $50; for Circuit Court Clerks and Commonwealth Attorney, $40; for members of Congress and Railroad Commissioners, $50; for Mayor and officers running in only one county or a district thereof, $25; for city officers other than Mayor and for members of the General Assembly, $5; Provided, That for office having no salary or emoluments attached there shall be no filing fees.

Every candidate who is required by this act to file nominating papers with the Secretary of State shall at the filing

of said papers file with the Secretary of State the receipt of the County Clerk of the county of his residence showing the payment of his filing fee.

All filing fees paid to County Clerks under this act shall be promptly turned into the treasuries of their respective counties.

§ 14. CERTIFICATION OF CANDIDATES BY SECRETARY OF STATE.—Not less than thirty days before the primary election is to be held, the Secretary of State shall certify to the County Clerks of the respective counties entitled under the laws to participate in the nomination of the respective candidates, the name, place of residence, and party of each candidate for each office, as specified in the nominating petitions filed with him, and shall designate, subject to the provisions of this act, the device under which the groups or lists of candidates, or candidate, of each party shall be printed, in the order in which they shall appear on the ballot.

§ 15. ORDER OF NAMES CERTIFIED BY SECRETARY OF STATE—HOW DETERMINED.—For the purpose of determining the order in which the names of candidates to be voted for by the electors of the entire State shall be certified and printed on the ballots under the designation of the respective offices, the Secretary of State shall prepare lists of the counties of each Congressional district of the State. He shall then arrange the surname of all candidates for each office in alphabetical order for the first Congressional district, and the names shall be certified in this order to the County Clerks of all the counties comprising said Congressional district. Thereafter for each succeeding Congressional district, taken in the order of their numbers, the name appearing first for each office in the last preceding district shall be placed last,

and the name appearing second in the last preceding district shall be placed first, and each other name shall be moved up one place. The lists shall be certified accordingly.

For all other offices for which nominating papers are filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State, thirty-eight days before the primary election at two o'clock p. m., standard time.

Only the names of candidates who have substantially complied with the provisions of this act shall be so certified.

§ 16. PUBLICATION OF NAMES BY COUNTY CLERK—ORDER OF PRINTING.—Not less than twenty days before the primary election the County Clerk of each county shall publish under the proper party designation and title of each office, the names of all persons certified to him by the Secretary of the State, in the same order in which they were certified, and for all persons for whom nomination papers have been filed with such County Clerk and for whom the required filing fees have been paid, and whose written acceptances have been filed. Only the names of persons who have substantially complied with provisions of this act shall be published or printed on the ballot, and such names shall be published or printed in the order in which they are to be printed on the ballots. Said publication shall be done by posting a notice at the door of the courthouse and causing said list to be printed once in a newspaper of general circulation in such county, if there be such a newspaper.

The order in which the names of candidates for each office for whom nomination papers have been filed in the office of the County Clerk shall be printed on the primary election ballot, shall be determined at a public drawing in

the office of the County Clerk twenty-five days before such primary election at 2 o'clock p. m., standard time.

§ 17. Order in Which Different Offices Shall Appear on Ballot.—The order in which the different offices are printed on the primary election ballot shall be the same as in the case of regular elections; Provided, That the office of President of the United States shall be placed first, and the office of Vice-President of the United States second, in primaries at which nominations are to be made for said officers. The office of United States Senator shall come next, when candidates for said office are to be nominated, and said office shall appear first when there is to be no nomination for President and Vice-President. The names of candidates for district delegates to National Conventions shall be placed at the foot of the ballot and immediately preceding them shall be placed the names of candidates for delegates to National Conventions from the State-at-large, all under the proper designations.

§ 18. Ballots.—There shall be a separate ballot for each political party subject to this act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words "Official Primary Ballot," and at the head thereof shall be printed the words "Official Primary Ballot" together with proper party name and the party emblem. The party emblem in each one shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the County Clerks as herein provided.

§ 19. HOUSE OF ELECTION—SEPARATE BALLOT BOXES FOR EACH PARTY.—At all primary elections held under this act the polls shall be open from six a. m. until four o'clock p. m., standard time. Separate ballot boxes shall be supplied for each party and the ballots cast shall be placed in the appropriate party boxes, but a ballot shall not be disqualified by reason of having been in the wrong ballot box.

§ 20. QUALIFICATIONS OF ELECTORS.—In addition to the special qualifications hereinafter prescribed, the same qualifications of electors shall apply in primary elections held under this act, as are now required in regular elections. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as hereinafter provided, shall be entitled to vote in any primary unless he is registered in the registration book of said precinct for the preceding year, as affiliated with the party whose ballot he offers to vote. If so registered he shall be entitled to vote the ballot of the party with which he is registered, and no other. In other precincts qualified electors shall be allowed to vote only the ballot of that party with which they declare their affiliation.

§ 21. SPECIAL REGISTRATION.—Fourteen days before the primary provided for is this Act there shall be a special registration at the office of the County Clerk, for persons entitled to be specially registered for the purpose of voting in said primary. The following persons and no others shall be entitled to special registration:

1.—Any persons who were absent from the city or town

of their residence during the entire time of the resignation for the preceding year.

2.—Persons who were prevented from registering by reason of their own sickness or by death in their immediate families.

3.—Persons who moved into the city or town of their present to register after the latest date that would enable them to register for the purpose of voting in the last regular election, and who have the qualifications of voters in the precincts in which they reside.

4.—Persons who have become of age since the last election and have the qualifications of electors.

Before registering any person under this section the County Clerk shall require him to make written oath as to the cause of his failure to attend the last regular registration. In all cases where illness is given as a cause for failure so to register, the affidavit of a physician setting forth the fact shall also be required. All affidivits provided for under this section shall be kept in a bound book made for that purpose. When the proper affidavits have been made, the clerk or his deputy shall write the name of the person applying in the proper registration book of the preceding year on the last page containg the names beginning with the same letter, and, if necessary, on pages immediately following; and in the column headed "Remarks" shall be written the words "Specially Registered," with the signature of the clerk and the date.

Any elector present in the office of the County Clerk may challenge the right of any person to register specially under this section, and thereupon the County Clerk shall

examine such person and any witness who may be offered, under oath, and shall determine the right of said person to register. The registration books in the possession of the County Clerks shall be sent to the pools and shall be used by the election officers to determine the right of any person to vote in the primary election; and there shall be no special registration at the pools.

§ 22. TRANSFER CERTIFICATES.—There shall be no transfer certificates for enabling electors to vote in the primary election, but any voter who has removed from one precinct to another, in which registration is required, after having been registered for the last November election, may apply to the County Clerk upon the day for special registration provided for in the last preceding section and have his name canceled off by writing opposite of it in the column headed "Remarks" the word "removed;" and upon making oath that he is a qualified voter or will be a qualified voter, on the day of the primary in the precinct of his present residence he shall be entitled to be specially registered as provided in the last preceding section. Persons removing from one city or town to another city or town shall not be required to have their registration canceled, but may be specially registered as herein provided.

§ 23. STATE AND COUNTY BOARDS OF ELECTION COMMISSIONERS—APPOINTMENT OF ELECTION OFFICERS.—The State Board of Election Commissioners, in years when the primary election is to be held in May, shall be appointed between the first and fifteenth day of April. In such years the County Boards of Election Commissioners shall be appointed not later than the first day of May. In other years the State Board shall be appointed in July and the County Boards

shall be appointed not later than the 20th day of August. Otherwise the said Boards shall be appointed under the same provisions as are now required by law.

Officers of election for the primary shall be appointed by the County Board of Election Commissioners as now provided by law in the case of the November elections: Provided, That the lists of names selected by the several party committees shall be submitted to said board not less than fifteen days before the holding of the primary and shall be open to inspection thereafter; and Provided, That candidates before the primary shall be entitled, if they so desire, to unite, regardless of party, in designating the names of persons to be appointed officers of election, under the rules hereinafter laid down. All designations of persons selected by candidates for appointment shall be made by written notice to said board, delivered to any number thereof, not later than ten days before said primary. Any group of twenty-five per cent of all candidates before the primary shall be entitled to have appointed as an election officer one person in each precinct for which a name is so submitted. In cases where names are so designated for several precincts the persons so designated be appointed in equal proportion to the offices of Clerk, Sheriff and Judge in the different precincts. In like manner fifty per cent of all candidates before the primary shall be entitled to designate two persons to be appointed officers of election in each precinct. In such cases one of the persons so designated shall be appointed Clerk of Election in one-half of the precincts for which names are so designated. If seventy five per cent of all candidates so unite they shall be entitled to designate three persons to be appointed officers of election in each precinct, and one of the persons so designated shall be appointed Clerk of Election in each of three-fourths of all the precincts

for which names are so designated; and all the candidates by so uniting shall be entitled to the appointment of four officers of election in each precinct for which names are thus designated.

In cases where candidates unite in the selection of persons to be appointed officers of election, as herein provided, the lists of names submitted by the party committees shall be treated by the Board of Election Commissioners as follows: If only one group of twenty-five per cent of the candidates unite in selecting one person to be appointed an officer of election in each precinct so designated, said board shall appoint only one officer of election for such precinct or precincts from the list submitted by the committee of that party whose candidates form a majority of the signers of such written designation. If two groups of twenty-five per cent or one group of fifty per cent of all candidates so unite designating persons to be appointed officers of election in one or more precincts, the remaining officers in such precincts shall be selected equally from the lists of the several party committees. In the event that seventy-five per cent of all candidates unite to procure the appointment of election officers in one or more precincts, or if three groups of twenty-five per cent of the candidates, or one group of fifty per cent and another of twenty-five per cent of the candidates submit names under the provisions of this section, the remaining officer of election in each of such precincts shall be chosen alternately from the lists of the different party committees.

All persons who are to act as election officers shall be appointed by said board in accordance with the foregoing provisions, and the list of officers of election with the office to which each person is appointed shall be made up and open

to inspection by any candidate, not later than the noon on the Saturday preceding the day of the primary.

The duties herein provided shall be enforceable against said County Board of Election Commissioners, on the petition of any candidate, by the writ of mandamus. Proceedings in such cases shall be instituted in the Circuit Court. The proceedings shall be summary and without delay, and the orders of the court shall be final and not appealable.

§ 24. CHALLENGERS AND INSPECTORS.—Challengers and inspectors shall be appointed and shall serve under the same conditions as now provided by law in the case of the November elections: Provided, That any group of twenty-five per cent of all candidates before the primary, regardless of party, shall be entitled to designate by written notice to the Board of Election Commissioners, delivered to any member thereof, not later than five days before said primary, the name of one person to act as challenger in each precinct, and the name of the same or another person to act as inspector in each precinct, and such persons shall be appointed and given a certificate by said board entitling each of them to enter the polls, to act as challenger or inspector as the case may be. The appointment of challengers and inspectors by the Board of Election Commissioners shall not prevent the appointment of other challengers and inspectors in the manner now provided by law in the November elections. The provisions of this section shall be enforceable in the same manner as the provisions of the last preceding section of this act.

§ 25. COMPENSATION OF PRIMARY ELECTION OFFICERS.—Officers of Primary Elections shall receive the same compensation from the same source as now provided by law for officers of election in the November election.

§ 26. CANVASSING RETURNS.—The returns of all primary elections held under this act shall be canvassed in the same way as the returns of the November election, by the County Board of Election Commissioners, which shall meet for that purpose on the Tuesday next succeeding the primary, at 10:00 o'clock a. m. All provisions of laws for the canvassing of returns of November elections shall apply equally to primary elections, with the necessary change in dates. Nominations shall be certified in the same way as now provided by law in the case of regular elections. Ties in votes for the nomination of any officer shall be determined as in cases of a tie for the election of such officer.

§ 27. CONTESTED NOMINATIONS.—In cases of contests for nominations the same rules shall apply as now provided by law in case of contests in regular elections: Provided, that the petition in such cases shall be filed within five days after the final action of the Board of Canvassers, and not more than three days shall elapse between the filing of the subsequent pleadings now allowed by law in contests in regular elections. In case of candidates for offices wholly within a Circuit Court District, suits shall be filed in such Circuit Court. In contests for nomination for other offices, suits shall be filed in the Franklin Circuit Court. As soon as the issues are made up, the court shall set an early date for the hearing of the contest, which shall be tried in open court without a jury. Such cases shall have precedence over all other cases and shall be decided promptly. The decision of the Circuit Court shall be final and not appealable, except in the case of State offices filled by the voters of the entire State. In such cases an appeal may be taken to the Court of Appeals by filing the record and bill of evidence in the office of the clerk of the Court of Appeals within seven days after the rendition of the judgment. Such appeals shall have pre-

cedence over all other cases and shall be taken up and disposed of as speedily as possible by the Court of Appeals, which shall determine the right of either party to the nomination, if either be entitled to same, and not send the cause back for retrial.

§ 28. GOVERNOR AND LIEUTENANT GOVERNOR.—Contests for nomination for Governor and Lieutenant Governor shall be determined as contests for nominations for other State offices.

§ 29. VACANCIES.—Any vacancy for the nomination for any office between the primary election and the November election may be filled by the proper party committee, which shall certify the nominee to the County Clerk if for an officer to be voted for wholly within the county; otherwise, to the Secretary of State: Provided, That said certification shall be made to the County Clerk not less than twenty-five days before the November election; or to the Secretary of State not less than 30 days before said election. Where such nomination is certified to the Secretary of State, he shall certify same to the County Clerk of the counties in which the name of such nominee is to be placed on the ballots, as hereinbefore provided for other candidates.

§ 30. UNEXPIRED TERMS.—Candidates for unexpired terms to be filled at the November election shall be nominated at the primary next preceding such November election: Provided, That such vacancy occurred not less than seventy days before the day on which the next primary is to be held.

§ 31. EXPENSES—HOW PAID.—All expenses involved in holding the primary elections herein provided for,

shall be paid in the same way as is now provided by law in the case of November elections.

§ 32. REVIEW BY COURT.—Whenever it shall be made to appear by affidavit filed in the Circuit Court, that an error or omission has occurred or is about to occur in the placing of any name on an official primary ballot, or that an error or wrong has been committed or is about to be committed in printing such ballot, or in the performance of any duty imposed by this act, the court shall order the officer or person charged with such error, wrong or neglect, forthwith to correct the error, desist from the wrongful act or perform the duty, or show cause why he should not be compelled to do so. Failure to obey the orders of the court shall be contempt of court and punishable as such. If the Judge or Judges of the Circuit Court be absent from the county, the County Judge shall have jurisdiction in such cases, and in either case the orders of the court shall be final and not appealable. Only candidates may institute proceedings under this section.

In case a charge under this section is directed against the Secretary of State or any other State officer, the affidavit shall be filed in the Franklin Circuit Court.

§ 33. RULES APPLYING TO PRIMARIES.—Except as herein otherwise provided, primary elections under this act shall be conducted substantially as now provided by law in case of regular elections. Any omission in this act shall be supplied as nearly as practicable from the statutes governing the November elections. This act shall be liberally construed so as to carry out its purpose, and give to the voters of the different parties an opportunity to select their candidates.

§ 34. PENALTIES.—The provisions of Section 1552 of the Kentucky Statutes imposing the same penalties upon offenses against primary elections held by party authority as are imposed upon offenses against regular elections shall fully apply to primary elections held under this act.

§ 35. BRIBERY OF SIGNERS.—Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce him to sign any nomination paper, and any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing; or any candidate who shall knowingly cause nomination paper or papers to be signed in his behalf by more than the maximum number of qualified electors allowed by law, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than $25 or more than $500, or by imprisonment in the county jail of not less than ten days nor more than six months, or by both such fine and imprisonment.

§ 36. FORGERY OF SIGNATURES.—Any person who shall forge any name of a signer to a nomination paper shall be guilty of forgery, and on conviction, be punished accordingly.

§ 37. SUPPRESSION OF NOMINATION PAPERS.—Any person who, being in possession of nomination papers entitled to be filed under this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time in the proper office, shall be guilty of a misdemeanor and, on conviction, be punished by imprisonment in

the county jail not to exceed six months, or by a fine not to exceed $500, or both such fine and imprisonment.

§ 38. COUNTY CLERK—PENALTY AGAINST FOR WRONGFUL ACTS.—The County Clerk shall be under the same duties and subject to the same liabilities for failure to perform same, with reference to printing the ballots for primary elections held under this act, as he now is with reference to the November elections. If he receives a nomination paper and files same without the payment of the filing fee required by law he shall be personally liable for same. Any County Clerk who knowingly fails to turn into the County Treasury ten days before a primary election, any filing fee received by him and due on any nomination papers filed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $500 and shall be personally responsible for all such fees.

Any County Clerk who shall knowingly cause to be printed on any official primary ballot the name of any candidate who has not filed the nomination paper required by the act, or who shall knowingly fail to cause the name of any candidate who has complied therewith to be printed upon the proper ballot, or who shall knowingly cause to be printed upon the ballot for the regular election the name of any candidate of any political party embraced in this act who was not nominated in the manner provided in this act, shall forfeit his office and be guilty of a felony and, upon conviction be confined in the penitentiary for not less than one year nor for more than three years.

Any County Clerk who shall register any person specially under the provision of this act, without administering and preserving in a book the affidavits herein provided

for, shall be guilty of a misdemeanor, and upon conviction, be fined not less than $25.00 nor more than $200.00.

§ 39. SECRETARY OF STATE—PENALTIES AGAINST FOR WRONGFUL ACTS.—Any Secretary of State who shall knowingly certify to the County Clerk of any county the name of any candidate who has not filed the nomination papers provided for by this act, or who shall knowingly fail to certify the name of any candidate for whom the proper nominating paper has been filed with him, as herein provided, or who shall knowingly certify to any County Clerk the name of any candidate of any political party embraced in this act, to be printed in the ballots for the November election, who was not nominated in the manner provided in this act, shall forfeit his office and be guilty of a felony, and, upon conviction, be confined in the penitentiary for not less than one year nor more than three years.

§ 40. COUNTY CLERKS—COMPENSATION.—For his services under this act the County Clerk shall receive the following fees and no other. For every nomination paper filed with him by a candidate who is required by this act to pay a filing fee, one dollar; for publishing the list of candidates before the primary, twenty-five cents for each candidate, and the cost of printing; for each name specially registered by him hereinbefore provided, ten cents. All fees and expenses incurred under this act shall be paid as other election expenses.

§ 41. REPEAL.—All acts or parts of acts inconsistent with this act, or in conflict with the provisions of this act, are hereby repealed,

§ 42. Whereas, an election for President and Vice-President of the United States is to occur in the year

of 1912, and the primary election herein provided for shall take place on the third Saturday in May, 1912, an emergency is hereby declared, and this act shall take effect and be in force from and after its passage.

Together with sundry amendments heretofore proposed thereto by the Committee on Suffrage and Election.

Mr. Charlton B. Thompson moved that the session of today be extended until the bill under consideration is disposed of.

Said motion was agreed to.

Mr. J. W. Holland moved that the House do now resolve itself into a Committee of the Whole House for the consideration of said bill.

Said motion was agreed to.

The Speaker of the House designated Mr. Berry as Chairman of the Committee of the Whole and vacated the Chair.

The House was then convened in the Committee on the Whole, Mr. Berry presiding as Chairman.

After a time the Speaker resumed the Chair.

Mr. Berry of the Committee of the Whole House reported that said Committee had had under consideration the bill aforesaid, viz.: H. B. 45. An act to provide for certain party nominations by direct vote.

That they had considered same and directed him to re-

port same back to the House with sundry amendments thereto.

Said amendments are as follows, viz.:

Amend Section 1 by striking out the following language:

1. "To trustees of schools or to other common school district elections, or to elections in cities or towns of the fourth, fifth and sixth classes," and inserting in lieu thereof the following:

"To municipal elections in cities or towns of the fifth and sixth classes, or to trustees of schools or to common school district elections, except in incorporated towns constituting separate school districts."

2. Sec. 2. Amend Section 2 by substituting, "first Saturday in August" for "second Saturday in September" in both places in which said clause appears.

3. Sec. 7. Amend Section 7 by substituting "first Saturday in August" for "second Saturday in September."

4. Sec. 15. Strike out the following words at the end of Section 15: "Only the names of candidates who have substantially complied with the provisions of this act shall be so certified."

5. Sec. 13. Amend Section 13 by striking out the words, "Circuit Court Clerk."

6. Sec. 22. By inserting after the word "registered"

in the last line thereof the words, "Upon making the affidavit," and inserting after the word "town," in line 12 the words, "In a different county."

7. Sec. 23. By striking out "July" in line 6 and by substituting "June" therefor; and by striking out "the 20th day of August" and by substituting in lieu thereof "the 10th day of July."

In section 23 between words "designated" and "if" in line 14, on page 14, insert the following language:

"If the signers of such list are divided equally between the parties, then the lists of names submitted by each party committee shall have chosen from it only one name for an officer of election in every other precinct among those for which names are thus designated."

8. Sec. 29. Strike out "30" and substitute therefor "40."

9. Sec. 27. Strike out Section 27 and substitute in lieu thereof the following:

"CONTESTED NOMINATIONS.—In cases of contests for nominations the same rules shall apply as now provided by law in the case of contests in regular elections: Provided, That the petition in such cases shall be filed within five days after the final action of the Board of Convassers, and not more than three days shall elapse between the filing of the subsequent pleadings now allowed by law in contests in regular elections. In case of candidates for offices wholly within a Circuit Court District; suits shall be filed in such Circuit Court. Provided, That the Judge of such Circuit Court shall hear and determine such causes in vacation if

he be within the Circuit Court District when the petition is filed in the office of the Circuit Clerk, otherwise such cause shall be heard and determined by the Judge of the County Court, and the judgment in either event shall be entered at large on the Civil Order Book of the Circuit Court within twenty days after the issues are made up. Any judgment rendered in any such cause shall be reviewable by one Judge of the Court of Appeals. Provided, however, That a certified copy of the record over the signature of the Circuit Clerk shall be filed with the Clerk of the Court of Appeals within ten days after the entry of the judgment of the Court or Judge trying the case.

In contests for nominations for offices not wholly within a Circuit Court District, suits shall be filed in the Franklin Circuit Court, and shall be governed by the same rules as hereinbefore laid down for other contests: Provided, That in the case of State offices to be filled by the voters of the entire State an appeal may be taken to the Court of Appeals by filing the record and bill of evidence in the office of the Clerk of the Court of Appeals within seven days after the rendition of the judgment. Such appeals shall have precedence over all other cases and shall be taken up and disposed of as speedily as possible by the Court of Appeals, which shall determine the right of either party to the nomination, if either be entitled to same and not send the cause back for retrial.

§ 10. Sec. 32. Amend Section 32 by striking out the following language:

"If the Judge or Judges of the Circuit Court be absent from the county, the County Judge shall have jurisdiction of such cases, and in either case the orders of the court shall be final and not appealable."

And substitute therefor the following:

"If the Circuit Court be not in session in the county the Circuit Judge shall hear and determine the complaint in vacation, unless he be absent from the county, in which case said affidavit shall be filed before the Judge of the County Court who shall have full power to hear and determine the complaint and make appropriate orders therein. The orders of a court or judge under this section shall be final and not appealable."

11. Sec. 37. Amend Section 37 by inserting just before the word "suppress" the following, "alter, mutilate or."

12. Amend by striking out the whole of Sec. 4.

13. Amend by striking out that part of Sec. 9, relating to nominating "Delegates to the National Convention."

14. Amend Section 7 by striking out parenthetical clause in line 14.

15. Amend by striking out Section 5.

16. Amend by striking out Section 6.

17. Amend Sec. 2 beginning with the word "provided" in line 4 and strike out the remainder thereof.

18. Amend Section 2 as amended by striking out "September" in the last line of the section and by substituting "August" therefor.

19. Amend by striking out in 6th and 7th lines, Section

8 the following: "Delegates to National Conventions," and also same in line 3 of said Section 8.

20. Amend by striking out of Section 17 all matter relating to the office of President, Vice President and Delegates to National Convention.

21. Strike out the figure 25 in line 9 and insert figure 5.

22. Amend Section 42 by striking out Section 42 and re-enacting it, so that when re-enacted it will read as follows:

"Whereas, a number of nominations are to be for officers to be elected at the November election, 1912, an emergency is hereby declared to exist. This act shall take effect and be in force from and after its passage."

Said amendments were severally read and adopted.

Mr. Smith offered the following amendment to said bill, viz.:

In Section 13, line 8, after the word "Mayor" insert $25.00; and in same line between the words "and" and "officers" insert the word "for."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same

being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Speaker Terrell

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Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 1, 1912.

The House was opened with prayer by the Rev. Father Joseph A. Flynn, of the Roman Catholic Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. L. B. Owen:

H. B. 369. An act to make it a penitentiary offense to steal a skiff.

To Committee on Criminal Law.

By Mr. Dickey:

H. B. 370. An act granting pensions to disabled and indigent confederate soldiers.

To Committee on Confederate Home.

By Mr. McClure:

H. B. 371. An act to amend Section 273a, Carroll's Edition of 1909, Kentucky Statutes, giving to the "Kentucky School for the Deaf," located at Danville, Kentucky, an educational classification.

To Committee on Charitable Institutions.

By Mr. Douglas:

H. B. 372. An act for the benefit of the Kentucky School for the Deaf.

To Committee on Charitable Institutions.

By Mr. Thurman:

H. B. 373. An act to repeal Subsection 4, Section 304, Civil Code of Practice.

To Committee on Codes of Practice.

By Mr. Akin:

H. B. 374. An act to regulate the sale and distribution of gas, heat, light, water, ice, coal and other commodities, and providing a penalty for violation of same.

To Committee on Corporate Institutions.

By Mr. Tieman:

H. B. 375. An act to authorize and to add one additional

judge to the Circuit Court for the 17th Circuit Court District, providing for the appointment and election thereof.

To Committee on Judiciary.

By same:

H. B. 376. An act to amend an act entitled "An act providing the manner of adding one additional judge to Circuit Courts of continuous session in couties constituting separate Judicial Districts, having one judge, and establishing the division thereof, approved March 6, 1906.

To Committee on Judiciary.

By same:

H. B. 377. An act to amend and re-enact Section 3643 of the Kentucky Statutes, relating to public ways and side walks in cities of the fifth class.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 378. An act to repeal in part an act entitled "An act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and Chapter 1069 of the Session Act of 1867.

To Committee on Public Road and Highways.

By Mr. King:

H. B. 379. An act to amend Section 1697 Subdivision 1, of Article 15, Chapter 46 of the Kentucky Statutes, Carroll's edition of 1909, entitled Executions.

To Committee on Circuit Courts.

By Mr. Pogue:

H. B. 380. An act to provide for the enforced attendance of children.

To Committee on Education No. 1.

By Mr. Stoll:

H. B. 381. An act to amend and re-enact Section 131, Subdivision 2, Article 4 of Chapter 182, Kentucky Statutes.

To Committee on Criminal Law.

By Mr. Hall:

H. B. 382. An act to fix the time of holding Circuit Courts in the 31st Judicial District.

To Committee on Circuit Courts.

By Mr. Williams:

H. B. 383. An act creating a State Board for the examination and licensing of stationary engineers in charge of and operating steam boilers and steam generating apparatus, specifying the duties and fixing the salaries to be paid the members of said Board and fixing penalties for violation thereof.

To Committee on Immigration and Labor.

By Mr. L. C. Owings:

H. B. 384. An act for the benefit of B. F. Welch, Arnold Bechial and Thomas Rarden.

To Committee on Claims.

By Mr. Knight:

H. B. 385. An act to repeal an act providing for the creation, control and disposition of a fund to be used in pensioning, under certain conditions, policemen and the families of deceased policemen, in cities of the first class, approved March 3, 1904, and to provide for the appointment of trustees, and the raising or creation, the management and disbursement, of a fund to be employed in pensioning, under conditions provided, policemen and the families of deceased policemen in cities of the first class.

To Committee on Municipalities.

By same:

H. B. 386. An act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an act entitled "An act to amend 'an act for the government of cities of the first class' approved July 1, 1893, for the better government administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children, dependent fathers and mothers."

To Committee on Municipalities.

By Mr. Spahn:

H. B. 387. An act to require physicians to report all

cases of poisoning from lead, phosphorous, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, and to provide method for so doing and to provide a penalty for failure to do so.

To Committee on Public Health.

By same:

H. B. 388. An act to regulate the operation of private employment agencies in this Commonwealth.

To Committee on Immigration and Labor.

By Mr. W. A. Perry:

H. B. 399. An act to make is unlawful to administer or prescribe any drugs to women pregnant with child, and fixing penalty.

To Committee on Criminal Law.

By Mr. Robertson:

H. B. 390 An act to amend an act approved March 9, 1906, and known as Chapter 18, of the Acts of 1906, entitled "An act creating and establishing a Board of Commissioners to be known as the Kentucky State Board of Control of Charitable Institutions and prescribing its powers and duties."

To Committee on Kentucky Statutes.

By same:

H. B. 391. An act to prevent fraud by regulating the

keeping of eggs in cold storage and the sale and use of eggs so kept.

To Committee on Public Health.

By Mr. T. M. Bertram:

H. B. 392. An act for the benefit of the common schools, taxing bachelors between the ages of thirty-five and sixty years.

To Committee on Revenue and Taxation.

By Mr. Bean:

H. B. 393. An act to require railroad companies to stop all passenger trains at any station where may be located any public institution of the State.

To Committee on Railroads.

By Mr. Scott:

H. B. 394. An act in relation to the itinerant vending of drugs, nostrums or drug preparations of any kind used for the cure of any kind, used or intended to be used for the cure, mitigation, relief or prevention of any disease or injury, or instruments of any kind intended for the treatment of any disease or injury.

To Committee on Revenue and Taxation.

By Mr. Lochry:

H. B. 395. An act to amend and re-enact Section 1 of an act entitled "An act to provide for the effective management and administration of the Agricultural and Mechan-

ical College of Kentucky (now the State University, Lexington, Kentucky)," approved May 9, 1893, and being Section 15, of the 1903 edition of the Kentucky Statutes.

To Committee on State University and Normal Schools.

By Mr. Gray:

H. B. 396. An act relating to revenue and taxation and imposing a tax upon corporations and associations engaged in conducting race meetings.

To Committee on Racing Commission.

By Mr. Keller:

H. B. 397. An act to amend an act entitled "An act to amend Article 4, Sec. 186d of Chapter 11a, Kentucky Statutes, Carroll's edition, 1909, entitled 'An act relating to the bond of Public Officials and other bonds required by law," approved March 23, 1910.

To Committee on Judiciary.

By Mr. Leach (of Ohio County).

H. B. 398. An act to amend, revise and re-enact paragraph 5, of Subsection 13 of Section 2095a, Chapter 65a of the Kentucky Statutes (Carroll's edition, 1909).

To Committee on Claims.

By Mr. Forgy:

H. B. 399. An act to amend Sections 1 and 4 of Article 17, of an act of the General Assembly of Kentucky, approved

March 15, 1906, entitled "An act relating to revenue and taxation."

To Committee on Judiciary.

By Mr. Drury:

H. B. 400. An act to divide Kentucky into eleven Congressional districts.

To Committee on Redistricting—Congressional.

By same:

H. B. 401. An act relating to compensation for death or injuries received by workmen in coal mines in this Commonwealth.

To Committee on Mines and Mining.

By Mr. Palmer:

H. B. 402. An act empowering the excutive council of the State Normal Schools to extend the course of study and the requirement for any advanced certificate.

To Committee on State University and Normal Schools.

By Mr. Polin:

H. B. 403. An act to establish a Department of Hotel Inspection, providing for the appointment of a Hotel Inspector and Deputy Inspectors.

To Committee on Kentucky Statutes.

By Mr. Schoberth:

H. B. 404. An act to enlarge the powers of assessment of co-operative fire insurance companies.

To Committee on Insurance—Fire and Marine.

By Mr. Knight:

H. B. 405. An act for the organization, armament, equipment, discipline and government of the militia, amending Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 edition, being an act of March 13, 1893, entitled "An act concerning the militia of the Commonwealth of Kentucky," and amendatory acts thereto.

To Committee on Military Affairs.

By Mr. Niles:

H. B. 406. An act to amend Section 4072 of Carroll's 1909 edition of Kentucky Statutes, which relates to the subject of charges against Assessors for failure to assess those subject to taxation.

To Committee on Revenue and Taxation.

By Mr. C. B. Thompson:

H. B. 407. An act to authorize remitturs from judgments and to regulate the effect thereof.

To Committee on Judiciary.

By Mr. Hamilton:

H. B. 408. An act to amend an act entitled "An act to

regulate the holding of Circuit Courts in counties in which there are towns over seventeen miles from the county seat and having a larger population than the county seat,'' which act was approved February 29, 1904.

To Committee on Circuit Courts.

Mr. John W. Holland moved that the session of today be extended indefinitely.

Said motion was agreed to.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Niles of the Committee on County Unit and Public Morals:

H. B. 181. An act making it unlawful to purchase, procure or deliver spirituous, vinous or malt liquors for or to another as the agent or buyer of spirituous, vinous and malt liquors in local option territory.

By Mr. ————of the Committee on Insurance—Life and Accident:

H. B. 244. An act to regulate the business of insuring or guaranteeing burial or burial expenses.

By same:

H. B. 179. An act to provide for the safe investment of the capital, funds, surplus and accumulations of all life insurance companies created by the laws of this State.

By same:

H. B. 178. An act to amend Section 648a of the Kentucky Statutes, being an act of March 24, 1906, Chapter 144, Acts 1906.

With amendment thereto.

By same:

H. B. 196. An act to amend Section 692, Kentucky Statutes being Section 115 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By Mr. Palmer of the Committee on Education No. 2.

H. B. 5. An act for the free distribution of necessary school books to the pupils of the public schools of this Commonwealth, to regulate same and punish persons violating the provisions thereof.

By Mr. Bean of the Committee on Juvenile Courts and Children's Home:

H. B. 138. An act to further amend an act entitled "An act for the benefit of the Kentucky Children's Home Society."

By same:

H. B. 267. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled "An act relating to children who are now or may hereafter become dependent, neglected or dilinquent, to define these terms, and fixing and defining the powers of

the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," and as further amended by act approved March 23, 1910.

By Mr. Cole of the Committee on Municipalities:

H. B. 189. An act for the purpose of enabling cities of the third class to make certain street improvements under the five-year plan.

By same:

H. B. 195. An act to amend an act entitled "An act for the government of cities of the first class," approved July 1, 1893, as amended by an act approved February 9, 1894, relating to Executive Boards.

By same:

H. B. 252. An act to amend an act approved March 21, 1910, being Chapter of acts 1910 entitled "An act to amend an act entitled 'An act for the government of cities of the second class in Commonwealth of Kentucky,' " which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article 3, of Chapter 89, Kentucky Statutes, John D. Carroll's edition thereof in 1909.

By same:

H. B. 326. An act to amend Article 4 of Chapter 89 of the Kentucky Statutes, John D. Carroll's edition thereof of 1909, known as an act of June 14, 1893, with amendments

thereto same relating to the government of cities of the third class in the Commonwealth of Kentucky.

By Mr. Drury of the Committee on Public Ditches and Fences:

H. B. 292. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the straightening, widening, deepening or otherwise improving public levees, ditches, drains creeks or non-navigable streams, prescribing the method of proceedure, the assessment and collection of the costs and expenses thereof, creating and incorporating Boards of Drainage Commissioners, and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

By Mr. Clay of the Committee on Racing Commission:

H. B. 242. An act to promote the live stock interests in the State of Kentucky.

By Mr. Williams of the Committee on Railroads:

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference.

By Mr. Young of the Committee on Revenue and Taxation:

H. B. 15. An act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

By same:

H. B. 54. An act to amend and re-enact Section 1, Article

13, Chapter 22, of an act entitled "An act relating to revenue and taxation."

By same:

H. B. 185. An act to amend Article 1, of an act of the General Assembly of the Commonwealth of Kentucky entitled "An act relating to revenue and Taxation," approved March 15, 1906.

By Mr. Keler of the Committee on Tuberculosis:

H. B. 235. An act concerning tuberculosis and to provide for the creation of a Commission to be known as the Kentucky Board of Tuberculosis Commissioners, to define its powers and to make an appropriation therefor, and to authorize and provide for the establishment of districts consisting of one or more than one county, and to authorize and provide in such district for the location, erection, organization and management of a district sanitorium for the care and treatment of tuberculosis, and authorizing county and district taxation for the purpose of making an appropriation for the purchase of the necessary land and construction and equipment of necessary buildings and an annual appropriation for the maintenance of such sanitorium.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 168. An act to make it unlawful to use profane abusive, insulting or obscene language over a telephone.

By same:

H. B. 205. An act to amend Section 723 of the Kentucky Statutes entitled, "Guarantee and surety companies.

By Mr. Bishop of the Committee on Public Health:

H. B. 263. An act to permit regular practicing physicians to fill prescriptions of their own or other physicians in towns having not more than five hundred (500) population.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 94. An act giving to the laborer who furnishes material or labor to repair, alter or improve any personal property or to shoe, feed pasture, care for, treat or nurse any live stock, a lien upon said personal property to secure the payment of the price for such material and labor so furnished or rendered.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The Speaker laid before the House the remonstrance of the County Board of Education of Russell County, Kentucky, protesting against the passage of Senate bill No. 7.

Which was received, its reading dispensed with and referred to the Committee on Education No. 1.

Mr. Wallace Brown called up for consideration from the Clerk's desk a resolution which originated in the Senate entitled,

S. Res. 7. Resolution providing stenographic help and legal assistance to a special committee investigating Auditor's Agents.

Mr. John W. Holland moved that said resolution be re-

ferred to the Committee on Revenue and Taxation with leave to report at any time.

Said motion was agreed to.

Mr. Keller offered the following resolution, viz.:

Resolved that the Committee on Confederate Home be directed to visit that institution, to inspect its condition and ascertain its needs, and the Sergeant-at-arms of this House is instructed to arrange for said visit and present the amount necessary to defray the expenses of said committee to this House, and the Clerk of this House will certify the same to the Auditor of Public Accounts for payment as incidental expenses.

Said resolution was adopted.

Mr. Dickey of the Committee on Appropriations offered the following report, viz.:

In House of Representatives, February 1, 1912. In response to a resolution adopted by this House on January 30, 1912, the Committee on Appropriations find the following appropriations have been called for:

H. B.	5.	School Book Distribution	$350,000
H. B.	7.	School for Deaf	750
H. B.	9.	To Preserve Graves of Confederates .	3,000
H. B.	55.	Additional Buildings for Fair Grounds	60,000
H. B.	80	Benefit Experiment Station	95,000
H. B.	138.	Children's Home	30,000
H. B.	140.	Eddyville Penitentiary	34,000
H. B.	141.	Compensation for Guard.....	3,000

H. B. 165.	Demonstration Agricultural and Horticultural	$55,000
H. B. 206.	State Treasurer's Office	1,800
H. B. 209.	Attorney General's Office	1,200
H. B. 213.	Secretary of State's Office	10,000
H. B. 225.	State University	97,000
	Eastern University	35,000
	Western University	99,817
	Annual Appropriations for same	110,000
H. B. 226.	Annual appropriation Tuberculosis ..	29,000
	Annual appropriation	15,000
H. B. 250.	Deflict Reform Boys and Girls Institution	38,000
H. H. 258.	Ky Normal and Industrial Institute .	50,000
H. B. 269.	Annual Ky. Home society	10,000
H. B. 293.	Establish Stone Quarries, Annual appropriation, 2 years	25,000
H. B. 295.	Hospital State Reformatory at Frankfort	75,000
H. B. 92.	Agricultural Department	20,000
		$1,247,617

Which was received and ordered to be printed.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 193. An act to amend an act entitled "An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor," approved March 21, 1906, and being Sections 37 and 38, Kentucky Statutes.

H. B. 163. An act to provide for the examination of teachers and fixing the dates of examinations.

H. B. 102. An act to empower the Board of Trustees of graded schools operating under special charters, known as special act schools, to levy tax for maintenance.

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

H. B. 262. An act to give teachers in the public schools credit for attendance at the County Institute.

H. B. 228. An act to repeal portions of and amend Article 3, Chapter 113, entitled "Board of Education," Carroll's Kentucky Statutes, 1909, and to establish a new State Board of Education with increased powers, to make more efficient the common school system of Kentucky.

H. B. 209. An act for the benefit of the Attorney General's Office allowing $1,200.00 annually for additional clerk hire.

H. B. 248. An act to amend an act approved March 22, 1910, amending and re-enacting Section 2463, Kentucky Statutes, relating to liens of mechanics and material men.

H. B. 95. An act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of denistry in the State of Kentucky.

H. B. 65. An act creating the County of McCreary.

H. B. 136. An act to amend Section 11 of Article 4, of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being Section 3068, Kentucky Statutes.

H. B. 39. An act in relation to the procuring of female persons to become or to remain prostitutes; to define and prohibit the same; to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

Together with an amendment thereto by way of substitute therefor.

H. B. 73. An act to amend Sections 2557 and 2557a of Carroll's 1909 edition of the Kentucky Statutes.

Together with an amendment thereto by way of substitute therefor.

H. B. 203. An act to regulate the sale of opium or its alkoloidal salts or their derivatives or any admixture thereof.

H. B. 90. An act to create and establish the Kentucky State Board of Examiners in optometry, describing its duties and powers, defining and regulating the practice of optometry in this State, and prescribing penalties for a violation thereof.

H. B. 71. An act prescribing the liabilities of an employer to make compensation for injuries received by an employee in the course of his employment.

H. B. 58. An act to establish a Department of Banking; providing for the appointment of a Commissioner, Deputy Commissioner and examiners thereof and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

With an amendment thereto.

H. B. 24. An act to create the Thirty-fifth Judicial District of Kentucky, and to change the Twelfth and Fourteenth Circuit Court Judicial Districts and to provide for the holding of courts in the said Thirty-fifth Judicial District.

H. B. 16. An act to amend and re-enact Section 253 of the Constitution of Kentucky.

H. B. 208. An act to amend Section 171, Constitution of the Commonwealth of Kentucky.

H. B. 271. An act to change the time of holding courts in the Twenty-fourth Judicial District.

H. B. 134. An act making it a felony for any person to admit to their house, or to take or direct to any house for the purpose of prostitution of lewdness, any female under the age of sixteen years (16); and fixing the penalty therefor.

H. B. 237. An act to amend and re-enact Article 4, Subdivision 2, Ch. 36, Sections 1254 and 1255, of the Kentucky Statutes (Carroll), relating to firing woods and penalty therefor.

H. B. 61. An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Hamilton moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 25. An act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contribution and expenditures of campaign funds and to control and regulate contributions made for campaign purposes to further the election of any party, organization or person and fixing penalties therefor.

Said motion was agreed to.

Mr. Hamilton moved that the further consideration of said bill be postponed and that the same be made the special order of the day for Tuesday, February 6, 1912, at 11:30 o'clock a. m.

Said motion was agreed to.

The hour of 12 o'clock, meridian, having arrived, the House took up for consideration from the Orders of the Day

the unfinished business from yesterday, to-wit: a bill entitled,

H. B. 35. An act to amend Sections 909, 911 and 1632 of the Kentucky Statutes of 1909, compiled by the Hon. John D. Carroll.

(For bill see House Journal, January 31st.)

Mr. Spahn moved that the vote by which the House adopted the amendment proposed to said bill by the Committee on Kentucky Statutes be reconsidered.

Said motion was agreed to.

Said amendment was then disagreed to.

The amendment heretofore offered to said bill by Mr. Schoberth was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	A. V. Bertram	Wallace Brown
Eugene G. Asher	E. Bishop	Wm. L. Bowling
Eli Berry	John F. Brewer	C. W. Burton

G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
W. E. King
M. C. Kirk
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
L. B. Owen
Luther C. Owings
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
H. A. Schoberth
Robt. H. Scott
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Yeaman Watkins
David W. Wiley
B. S. Wilson
Edward L. Young

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Those who voted in the negative were—

John F. Fryer

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Resolved that the title thereof be as aforesaid.

Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 68. An act providing for the uniform accounting and inspection of public offices in Kentucky.

Mr. Herrington moved that said bill be recommitted to the Committee on Kentucky Statutes with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 38. An act to amend Section 3783, Kentucky Statutes, relating to the salaries of patrols of counties having a population of over one hundred and fifty thousand inhabitants.

Said bill is as follows, viz.:

Whereas, the salary of Two Dollars ($2.00) per day, now paid patrols of counties having a population of over One Hundred and Fifty Thousand inhabitants is not commensurate with the grave and hazardous nature of their duties, and because of the fact that they are subject to calls at all hours of the day and night and are often compelled to work eighteen and twenty hours a day, and are further required to furnish their own horses and to pay for the feed of the same, and if traveling upon street cars to pay their own fare and that of any prisoner or prisoners in their custody, Therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3783 of the Kentucky Statutes relating to the compensation of county patrol be, and it is hereby amended, as follows, by striking the following words there-

from, "Except that within counties having a population of One Hundred and Fifty Thousand inhabitants, they may be paid $2.00 for each ten hours within the discretion of the Court," and by substituting therefor the following words, "Except that within counties having a population of over One Hundred and Fifty Thousand inhabitants they may be paid a sum not to exceed Seventy-eight Dollars ($78.00) per month within the discretion of the Court." So that said section, when so amended shall read as follows, to-wit:

Section 3783—Compensation of—How Paid.—Patrols shall each be paid by order of the County Court out of the county levy, a sum not to exceed One Dollar ($1.00) for each ten hours they may have been purposely engaged in the performance of their duties, except that within counties having a population of over One Hundred and Fifty Thousand inhabitants they may be paid a sum not to exceed Seventy-eight Dollars ($78.00) per month within the discretion of the court. At the Court of Claims for the county, patrols shall present their claims for services, specifying the number of hours each has been engaged and verified by the oath of the patrol upon which the court shall fix the amount to be paid."

Mr. L. C. Owings offered the following amendment to said bill, viz.:

Amend by adding after line 22 the following: providing the total amount paid out for above purposes shall not exceed nine hundred and thirty six dollars for each calendar month.

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Eugene G. Asher
George Baker
Eli Berry
E. Bishop
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
W. Frank Cole
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
L. B. Herrington
A. B. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
L. B. Owen
A. W. Palmer
William A. Perry
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
H. A. Schoberth
Robt. H. Scott
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
David W. Wiley
J. H. Williams
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

Henry Chunn	W. J. Jackson	S. H. Rogers
Sidney J. Collins	Luther C. Owings	

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Mr. Thurman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 76. An act establishing and governing a geological survey of Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky.

Together with an amendment by way of substitute therefor heretofore proposed by the Committee on Geological Survey.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor shall appoint a competent person as State Geologist who shall have a thorough, scientific and practical knowledge of the sciences of geology, mineralogy, hydrography, chemistry and allied subjects. He shall not be connected with any school or college as an instructor, and he shall enter upon the duties of his office on

the 1st day of August, 1912, and he shall hold his office for four years, unless sooner removed by the Governor for inefficiency, incompetency or misconduct, or until the office is abolished by the General Assembly.

§ 2. The office of the State Geological Survey shall be at the seat of government, and the geological collections, including records, maps, charts, apparatus, reports and all accumulated material and property of the Geological Survey be, and the same are hereby directed to be removed from the State University of Kentucky to Frankfort, Kentucky, and are to be placed in rooms designated for that purpose, there to remain.

§ 3. There shall be an advisory board consisting of five members, one of whom shall be the Governor, who shall be president of the board, and the Governor shall appoint the other four. Three members present at any meeting shall constitute a quorum for the transaction of business.

§ 4. It shall be the duty of the State Geologist to give his attention to the administration of the affairs of the survey; to visit all parts of the State so as to make himself familiar with the needs of each section; to supervise the work of his assistants; to undertake such field work as his time will permit and to perform such other duties as properly pertain to his office.

§ 5. Two competent Assistant State Geologists shall be chosen by the State Geologist, who may remove them at any time.

§ 6. Under the direction and control of the director of the survey, the corps shall proceed to make careful and com-

plete geological, mineralogical, chemical, physical and soil surveys of the State; to enter upon record an accurate statement of the extent of water powers, water-courses, roads and the climate, topography and general physical character of the country, and locate coal, oil, metaliferous deposits, clays, ores, building materials, etc.; to report characteristics and compositions of soils; to collect, analyze and classify specimens of rocks, fossils, ores, coal, minerals, soils, relics, and representative exhibits of the agricultural archaeological, forest, ornithological and other natural resources of the State; to cause to be preserved in a museum in Frankfort the above mentioned specimens, exhibits and natural resources of the State.

§ 7. The State Geologist is authorized to employ topographers and other necessary assistants to carry out the purposes of this act.

§ 8. The State Geologist shall have supervision of the entire work of the survey and shall be responsible for the accuracy of same. It shall be his duty to make report to the advisory board once every three months, to-wit: on the second Wednesdays of March, June, September and December of each year.

§ 9. The State Geologist shall submit to the State Auditor each month an itemized statement of the expenses incurred by himself and his assistants under proper oaths and accompanied by proper vouchers, and the Auditor shall draw his warrant for the amount thereof.

§ 10. The State Geologist shall keep his offices in rooms to be set aside for that purpose by the Governor. He shall employ such clerical help as may be required for the proper conduct of the affairs of the survey.

§ 11. The salary of the State Geologist shall be twenty-five hundred dollars per annum, which sum is hereby annually appropriated from any money in the State Treasury not otherwise appropriated. The Assistant Geologist shall receive such salary per annum as shall be determined by the advisory board, provided that each assistant shall not receive more than two thousand dollars per annum.

§ 12. The State Geologist, with the consent of the advisory board, may employ a specialist or specialists at any time.

§ 13. Neither the State Geologist nor his assistants shall disclose to any person, except to the owners thereof, the result of any investigation or survey until the time is made public.

§ 14. It shall be the duty of the State Librarian to supply the Geological Survey with all necessary stationery, as all other public offices are supplied, upon requisition of the director of the survey, approved by the Governor.

§ 15. The director may enter into co-operative arrangements for geologic, topographic, hydrographic, soil survey and such other purposes as are within the scope of the survey with the State Experiment Station, the United States Geological Survey, the United States Department of Agriculture, or other organizations or governmental departments; provided, that any of said surveys, organizations or departments in each case agreed upon, shall furnish an amount of ments in each case agreed upon, shall furnish an amount of money equal to that allotted for such work by the director of the survey; and provided, further, that such co-operative agreements shall be made and carried out so that in all

things they will prove advantageous to the State and shall receive the approval of the advisory board.

§ 16. The reports of the survey shall be prepared as rapidly as possible and submitted to the advisory board, which shall have the power to approve and authorize the printing of same, the cost thereof to be paid out of the general expenditure fund, as in the case of other official reports. The director, with the approval of the advisory board, is authorized to publish in the newspapers, magazines or in pamphlet form any discoveries or results of special public interest, the cost of such special publications to be paid out of the money appropriated for the survey. The advisory board shall determine the number of copies of each report to be printed, and the manner of distribution thereof.

§ 17. All acts and parts of acts in conflict with this act are hereby expressly repealed.

Said substitute is as follows, viz.:

AN ACT establishing and governing a Geological Survey of Kentucky, and removing the present Survey and Museum from Lexington to Frankfort, Ky.

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

Sec. 1. That the Kentucky Geological Survey is hereby created and established; that the offices of said survey shall be at the seat of government; that the geological collections, records, maps, reports and accumulated property of the present Geological Survey, and the State Museum, be and the same are hereby directed to be removed from the State University of Kentucky, to Frankfort, Kentucky, and the

money necessary to remove the same is hereby appropriated from any money in the State Treasury not otherwise appropriated.

Sec. 2. That the Governor shall, with the advice and consent of the Senate, appoint a competent person as State Geologist who shall have a thorough, scientific and practical knowledge of the sciences of geology, mineralogy, hydrography, chemistry and allied subjects. He shall not be connected with any school or college as an instructor and shall devote his entire time to the survey. He shall enter upon the duties of his office on the 1st day of July, 1912, and shall hold his office for four years, unless sooner removed by the Governor for inefficiency, incompetency or misconduct, or until the office is abolished by the General Assembly.

Sec. 3. That there shall be an advisory board consisting of five members, one of whom shall be the Governor, who shall be president of the board, and the other four members shall be appointed by the Governor. All four of said members shall serve for four years, or until their successors are appointed and qualified. The actual expenses of the members while attending meetings of the board, shall be paid by the State.

Sec. 4. It shall be the duty of the State Geologist to give his attention to the administration of the affairs of the survey; to visit all parts of the State so as to make himself familiar with the needs of each section; to supervise the work of his assistants; to undertake such field work as his time will permit and to perform such other duties as properly pertain to his office. He shall have supervision of the entire work of the survey and shall be responsible for the accuracy of same. He shall make a report to the advisory board once every three months, to-wit: on second

Wednesdays of March, June, September and December of each year.

Under the direction and control of the director the corps of the survey shall proceed to make careful geological, mineralogical, chemical, physical and soil surveys of the State; to enter upon record an accurate statement of the extent of water powers and water courses; to locate coal, oil, metaliferous deposits, clays, ores, building materials, etc.; to report characteristics and compositions of soils; to collect, analyze and classify specimens of rocks, fossils, ores, coal, minerals, soils, relics and representative exhibits of the agricultural, archaeological, forest, ornithological and other natural resources of the State; to cause to be preserved in a museum in Frankfort the above mentioned specimens, exhibits and natural resources of the State.

Sec. 5. The State Geologist is authorized to employ two competent assistant geologists and such clerical help, topographers, specialists and assistants as may be required for the proper conduct of the affairs of the survey, subject to the approval of the advisory board. He shall submit to the Governor each month an itemized statement of the expenses incurred by himself and assistants, properly verified and accompanied by proper vouchers, and the Auditor shall draw his warrant for the amount thereof, when approved by the Governor.

Sec. 6. The director may enter into co-operative arrangements for geologic, topographic, soil survey and such other purposes as are within the scope of the survey, with the State Experiment Station, the United States Geological Survey, the United States Department of Agriculture, or other organizations of governmental departments in each

case agreed upon, shall furnish an amount of money equal to that allotted for such work by the director of the survey; and provided, further, that such co-operative agreements shall be made and carried out so that in all things they will prove advantageous to the State and shall receive the approval of the advisory board.

Sec. 7. The salary of the State Geologist shall be $2,500 per annum, which sum is hereby annually appropriated from any money in the State Treasury not otherwise appropriated, and is in addition to the annual appropriation made for the survey by act of March 25, 1908.

Sec. 8. It shall be the duty of the State Librarian to supply the survey with all necessary stationery, as all other public offices are supplied, upon requisition of the Director, approved by the Governor.

Sec. 9. The reports of the survey shall be prepared as rapidly as possible and submitted to the advisory board, which shall have the power to approve and authorize the printing of same, the cost thereof to be paid out of the general expenditure fund, as in the case of other official reports. The director, with the approval of the advisory board, is authorized to publish in the newspapers or in pamphlet form any discoveries or results of special interest, the cost of such special publications to be paid out of the money appropriated for the survey. The advisory board shall determine the number of copies of each report to be printed, and the manner of distribution thereof.

Sec. 10. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. Williams moved that said bill and substitute be

recommitted to the Committee on Geological Survey and that said substitute be ordered printed.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. McClure and Farmer were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Henry Chunn	W. F. Parker
George Baker	John G. Kelley	William A. Perry
E. Bishop	M. C. Kirk	Robt. H. Scott
Hiram Brown	Charles H. Knight	Yeaman Watkins
Wm. L. Bowling	J. Albert Leach	J. H. Williams

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Those who voted in the negative were—

Robert H. Akin	D. Clarence Gray	L. B. Owen
J. M. Bean	T. J. Gregory	Luther C. Owings
Eli Berry	Joe Hall	A. W. Palmer
A. V. Bertram	Elwood Hamilton	J. R. Paxton
H. C. Blades	V. D. Hammond	W. V. Perry
John F. Brewer	L. B. Herrington	Marion F. Pogue
Wallace Brown	John W. Holland	John A. Polin
C. W. Burton	James R. Howell	W. A. Price
G. E. Carroll	R. Dillard Hunter	H. A. Schoberth
George P. Chinn	Earl C. Huntsman	W. Scott Smith
Sidney G. Clay	W. J. Jackson	Adam Spahn
Sidney J. Collins	Green R. Keller	A. H. Stamper
Francis B. Douglas	W. E. King	John G. Stoll
G. L. Drury	William J. Kuh	C. B. Thompson
J. H. Elder	James A. Leach	D. B. Thurman
John M. Farra	F. A. Lochry	Louis B. Tieman
S. Walton Forgy	S. F. Middleton	David W. Wiley
John F. Fryer	W. N. McCubbin	B. S. Wilson
Allie T. Gaines	Ben E. Niles	Charles Yancy

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Mr. Herrington offered the following amendment to said substitute: Amend by striking out Section 10 of the substitute and in lieu thereof insert the following:

Sec. 10. The office of Curator shall be abolished on July 1, 1912, at which time the State Geologist shall take charge.

Sec. 11. All of Chapter 59a except the act of March 25, 1908, which is Subsection 10 of Section 2007c of said chapter of the Kentucky Statutes, compiled by John D. Carrol, be and the same is hereby repealed; and all laws and parts of laws in conflict with this act are hereby expressly repealed.

Said amendment was agreed to.

Mr. Lochry offered the following amendment to said substitute: Amend by inserting in Section 1 after words "removed to Frankfort, Kentucky," the following words: "And place the same in the legislative building of the old Capitol commonly known as the old State House."

Said amendment was disagreed to.

Mr. McClure offered the following amendment to said substitute: Amend by adding after the word "four," in line 3, of Section 3, these words: "Two of whom shall be appointed from the dominant party and two from the party casting the next highest number of votes in this State."

Said amendment was disagreed to.

The said substitute as amended was then adopted.

Ordered that said bill as amended by the substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title.

The question being taken on the passage of said bill was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eli Berry
E. Bishop
H. C. Blades
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
John M. Farra
S. Walton Forgy
John F. Fryer
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Green R. Keller
W. E. King
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
S. F. Middleton
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
W. V. Perry
Marion F. Pogue
John A. Polin
Stanley F. Reed
H. A. Schoberth
Robt. H. Scott
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
David W. Wiley
B. S. Wilson
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
A. V. Bertram
John F. Brewer
Hiram Brown
Wm. L. Bowling
Henry Chunn
W. Frank Cole
Eli Farmer
Allie T. Gaines

D. Clarence Gray	J. Albert Leach	S. H. Rogers
T. J. Gregory	B. J. Matthews	W. Scott Smith
Joe Hall	R. C. McClure	John G. Stoll
Earl C. Huntsman	W. N. McCubbin	E. B. Thompson
W. J. Jackson	C. B. Nichols	Yeaman Watkins
John G. Kelley	W. F. Parker	J. H. Williams
M. C. Kirk	William A. Perry	
Charles H. Knight	W. A. Price	—34

(Fail to receive fifty-one votes.)

Mr. Schoberth moved that the House do now adjourn.

Said motion was agreed to.

FRIDAY, FEBRUARY 2, 1912.

The House was opened with prayer by the Rev. Father Joseph A. Flynn of the Roman Catholic Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

1. S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for violation thereof.

2. S. B. 55. An act to provide for inspection of

schools and school funds of the State and increase the efficiency of the department of education.

Ordered that said bills be referred,

1. To Committee on Suffrage and Elections.

2. To Committee on Education No. 1.

That they had received official information that the Governor had approved and signed a resolution which originated in that body of the following title, viz.:

S. Res. 10. Resolution providing for the appointment of a committee from the Senate and House of Representatives to gather information concerning the State University at Lexington.

That they had adopted a resolution of the following title,

S. Res. 13. Resolution authorizing the special committee to investigate the State University, to employ a stenographer and to empower the chairman to administer oaths to witnesses.

Said resolution reads as follows, viz.:

Resolution authorizing the Special Committee appointed to investigate the State University, to employ a stenographer and to empower the chairman to administer oaths to witnesses.

Resolved, that the special committee appointed to in-

vestigate State University be and the same is hereby empowered to employ a stenographer at not more than $5.00 per day to take the testimony of witnesses summoned before it and to act as secretary of said committee; it is hereby empowered to summon witnesses and to provide for their expense at the rate provided by law and the chairman of said committee, or in his absence, the ranking member thereof, is hereby empowered to administer oath to any and all witnesses.

Mr. Clay called said resolution up from the Clerk's desk for consideration, the rules having been suspended by unanimous consent.

Mr. Clay offered the following amendment to said resolution:

Amend by inserting after the word "Resolved" the words "By the General Assembly of the Commonwealth of Kentucky."

Said amendment was agreed to.

Said resolution as amended was concurred in.

Mr. Forgy offered the following resolution, viz.:

Whereas, few members of this House arose this day in time to see the sun burnish the eastern hills with a glow of gold, and whereas, the ground hog had an opportunity to see and did see his shadow before many of the members of this House awoke, or possibly went to bed;

Therefore, be it resolved, that this fact should be spread upon the records of this House by the Clerk thereof, who

shall note that the sun did shine bright this day in "The Old Kentucky Home," and the ground hog did see his shadow, and while at this moment the ground is covered with a white sheet of snow, there are reasonable grounds to believe and we do believe that it will not be long before our hearts will be cheered by the return of the jonquils, the daffodils and the sweet and modest "pennyrile."

Said resolution was adopted.

Mr. W. V. Perry offered the following resolution, viz.:

Whereas, there exists a condition of uncertainty as to the proper boundary line between the counties of Logan, Muhlenburg, Butler and Todd, and whereas, said condition of uncertainty has produced a great unrest, wrangling and contention among the residents living along the said border line of these counties as to the metes and bounds of their respective farms, as to the matter of what county is entitled to taxation on certain property in dispute between the said counties: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there be appointed a commission of three members by the Governor to take up the matter of having this disputed boundary line run in the proper place, and to employ surveyors therefor, that the said line may be authoritatively and finally settled, and the statement of expense incurred by said commission in making said investigation and in having the said line so established after same be approved by the Governor be paid upon a warrant properly and regularly drawn upon the Treasurer, out of any money in the State Treasury not otherwise appropriated.

By unanimous consent said resolution was taken up for consideration and adopted.

Mr. John W. Holland moved that when the House adjourn today it be to meet on Monday, February 5, at 12 o'clock m.

Said motion was agreed to.

Mr. W. A. Perry moved that the vote by which a bill entitled,

H. B. 76. An act establishing and governing a Geological Survey of Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky, failed to pass be reconsidered.

Mr. W. A. Perry moved that said motion and bill be postponed and that the same be made the Special Order of the Day for Wednesday, February 7, at 11:45 o'clock a. m.

Said motion was agreed to.

Mr. Matthews moved that the substitute for said bill be ordered to be printed.

Said motion was agreed to.

Mr. Scott moved that the rules be suspended and that a bill entitled,

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenue for the main-

tenance of said Experiment Station and for conducting experiments in the various lines of agriculture and to meet the increased demands made upon it as a public institution,

Be taken from the Orders of the Day and that the same be made the Special Order of the Day for Tuesday, February 6th, at one o'clock p. m.

Said motion was agreed to.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 169. An act providing for the inspection of bulls, cows and calves held and owned in this State.

By same:

H. B. 8. An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of Kentucky, to establish a State Board of Veterinary Medical Examiners and to provide penalties for violating the provisions thereof.

By Mr. Polin of the Committee on Circuit Courts:

H. B. 256. An act to regulate and provide the fees that sheriffs, constables, coroners, marshals and policemen shall receive for summoning witnesses to appear before grand juries.

By same:

H. B. 57. An act changing and fixing the time for holding courts in the 27th Judicial District of Kentucky.

By same:

H. B. 204. An act authorizing the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

By Mr. Carroll of the Committee on County and City Courts:

H. B. 153. An act to amend Section 2162, Article 2, of the Kentucky Statutes, relating to inquests.

By same:

H. B. 175. An act authorizing the fiscal court of each county to purchase such official records, blanks, stationary and office supplies as are necessary in the transaction of official business and for which there is now no provision of law authorizing the purchase of such articles.

By same:

H. B. 214. An act to amend Section 885 of Chapter 33, Kentucky Statutes (Carroll's edition 1909) entitled "costs."

By same:

H. B. 232. An act to amend Section 1051, Kentucky Statutes 1909, increasing the jurisdiction of quarterly courts.

By same:

H. B. 255. An act to authorize fiscal courts to provide for the completion of any incomplete sets of the official edition of the Kentucky Reports of the decisions of the Kentucky

Court of Appeals in the various county offices, for the use of county officials.

By same:

H. B. 247. An act relating to filing and indexing of chattel mortgages.

By Mr. Pogue of the Committee on Education No. 1:

H. B. 79. An act to enable counties or parts of counties to erect and furnish school houses and to provide the money therefor by the issuance of bonds.

By same:

H. B. 289. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes 1909 (Act of March, 1908, p. 133), Districts, Trustees, Teachers, Taxation.

By Mr. Niles of the Committee on County Unit and Public Morals:

S. B. 18. An act to amend Chapter 21 of the Acts of 1906, entitled, "An act to amend Section 2560 of the Kentucky Statutes" it being a portion of Article 1, of Chapter 81 of the Kentucky Statutes, entitled "Liquors—Intoxicating."

By Mr. Charlton B. Thompson of the Committee on Judiciary:

H. B. 172. An act to amend Section 2282, Chapter 74, Kentucky Statutes.

By same:

H. B. 117. An act relating to the sale of lard, or any oil or grease, used as a substitute therefor, and to any article intended for food for human beings, and requiring the can, bucket, barrel, keg, box, bottle, receptacle, containing such article to be so stamped, or labeled, as to indicate the date on which such article is manufactured, rendered, refined, boxed, canned, packed or wrapped.

By same:

H. B. 207. An act to repeal Sections 2487, 2488, 2489, 2490, and 2491 of the Kentucky Statutes of the edition of John D. Carroll, compiled and published in 1903.

By same:

H. B. 37. An act to amend Section 11, of an act relating to husband and wife, and entitled, "Husband and Wife," approved May 16, 1893 (Kentucky Statutes, Section 2106).

By same:

H. B. 231. An act to amend and re-enact Section 2248 Kentucky Statutes relating to the qualification of grand juries.

By same:

H. B. 287. An act to create a Telegraph and Telephone Utility Commission, to define its powers and duties, to provide for its expense.

By same:

H. B. 194. An act to provide uniform rules, regulating the use and speed of all vehicles on the public highways of the State defining motor vehicles, and providing for the registration of motor vehicles, and prescribing penalties and civil liabilities for the violation thereof.

By Mr. Kelly of the Committee on Cities of the Fifth and Sixth Class.

H. B. 279. An act to amend Chapter 89, Kentucky Statutes, Carroll's edition, 1909, relating to muncipal corporations and adding thereto Section 3687a.

By Mr. Hammond of the Committee on Agriculture:

H. B. 280. An act entitled an act to establish in the dark tobacco belt an agricultural station and appropriating funds therefor.

By Mr. Paxton of the Committee on Cities of the Fourth Class.

H. B. 233. An act to amend an act entitled "An act for the government of cities of the fourth class."

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

By Mr. Nichols of the Committee on State University and Normal Schools:

H. B. 298. An act to amend Subsection 15 of Section

4636c of Chapter 120a of Carroll's Kentucky Statutes entitled "State University."

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading the opinion of the Committee to the contrary notwithstanding it was decided in the negative.

And so said bill was rejected.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 181. An act making it unlawful to purchase, procure or deliver spirituous, vinous or malt liquors for or to another as the agent or buyer of spirituous, vinous and malt liquors in local option territory.

H. B. 244. An act to regulate the business of insuring or guaranteeing burial or burial expenses.

H. B. 179. An act to provide for the safe investment of the capital, funds, surplus and accumulations of all life insurance companies created by the laws of this State.

H. B. 178. An act to amend Section 648a of the Kentucky Statutes, being an act of March 24, 1906, Chapter 144, Acts 1906.

With an amendment thereto.

H. B. 196. An act to amend Section 692, Kentucky Statutes, being Section 115 of an act entitled "An act providing

for the creation and regulation of private corporations" which became a law April 5, 1893.

H. B. 5. An act for the free distribution of necessary school books to the pupils of the public schools of this Commonwealth, to regulate same, and punish persons violating the provisions thereof.

H. B. 138. An act to further amend an act entitled "An act for the benefit of the Kentucky Children's Home Society."

H. B. 267. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled "An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," and as further amended by act approved March 23, 1910.

H. B. 189. An act for the purpose of enabling cities of the third class to make certain street improvements under the five year plan.

H. B. 195. An act to amend an act entitled "An act for the government of cities of the first class," approved July 1, 1893, as amended by an act approved February 9, 1894, relating to Executive Boards.

H. B. 252. An act to amend an act approved March 21, 1910, being Chapter of Acts 1910, entitled "An act to amend an act entitled 'An act for the government of cities of the

second class in Commonwealth of Kentucky,' '' which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article 3, of Chapter 89, Kentucky Statutes, John D. Carroll's edition thereof in 1909.

H. B. 326. An act to amend Article 4 of Chapter 89 of the Kentucky Statutes, John D. Carroll's edition thereof of 1909, known as an act of June 14, 1893, with amendments thereto same relating to the government of cities of the third class in the Commonwealth of Kentucky.

H. B. 292. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the straightening, widening, deepening or otherwise improving public levees, ditches, drains, creeks or non-navigable streams, prescribing the method of proceedure, the assessment and collection of the costs and expense thereof, creating and incorporating Boards of Drainage Commissioners, and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

H. B. 242. An act to promote the live stock interests in the State of Kentucky.

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference.

H. B. 15. An act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

H. B. 54. An act to amend and re-enact Section 1, Article 13, Chapter 22, of an act entitled "An act relating to revenue and taxation."

H. B. 185. An act to amend Article 1 of an act of the General Assembly of the Commonwealth of Kentucky entitled "An act relating to revenue and taxation," approved March 15, 1906.

H. B. 235. An act concerning tuberculosis and to provide for the creation of a Commission to be known as the Kentucky Board of Tuberculosis Commissioners, to define its powers and to make an appropriation therefor, and to authorize and provide for the establishment of districts consisting of one or more than one county, and to authorize and provide in such district for the location, erection, organization and management of a district sanitorium for the care and treatment of tuberculosis, and authorizing county and district taxation for the purpose of making an appropriation for the purchase of the necessary land and construction and equipment of necessary buildings and an annual appropriation for the maintenance of such sanitorium.

H. B. 168. An act to make it unlawful to use profane abusive, insulting or obscene language over a telephone.

H. B. 205. An act to amend Section 723 of the Kentucky Statutes entitled "Guarantee and surety companies."

H. B. 263. An act to permit regular practicing physicians to fill prescriptions of their own or other physicians in towns having not more than five hundred (500) population.

H. B. 94. An act giving to the laborer who furnishes

material or labor to repair, alter or improve any personal property or to shoe, feed, pasture, care for, treat or nurse any live stock, a lien upon said personal property to secure the payment of the price for such material and labor so furnished or rendered.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 92. An act for the benefit of the Department of Agriculture, Labor and Statistics appropriating money thereto and enlarging the powers thereof.

Said bill is as follows, viz.:

AN ACT for the benefit of the Department of Agriculture, Labor and Statistics appropriating money thereto and enlarging the powers thereof:

Whereas, the records show that practically all of the funds appropriated for the present fiscal year for the benefit of the Department of Agriculture, Labor and Statistics have been exhausted for the first six months thereof, and

Whereas, the work of the Department for the next six months is of vital importance to the farming, laboring and statisticial interests of the State, and

Whereas, the work of the various corn clubs, agricultural associations and societies endeavoring to increase the productive capacity of the Commonwealth are handicapped by lack of proper support from this Department, and

Whereas, the farm demonstration work has proven to be a great factor in increasing the yield of various crops in other states, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ten thousand ($10,000) dollars is hereby appropriated to the Department of Agriculture, Labor and Statistics for the fiscal year ending June 30, 1912, to be used for the immediate relief and general purposes of said Department.

§ 2. That the sum of ten thousand ($10,000) dollars annually is hereby appropriated for the benefit of the Department of Agriculture, Labor and Statistics, five thousand ($5,000) dollars of which shall be used for the purpose of encouraging corn clubs, horticulture clubs, poultry clubs, and other organizations among the common school children of the State of Kentucky and for promoting friendly contests among children attending the common schools of the State and for encouraging the study of agricultural subjects in the common schools, and five thousand ($5,000) dollars of which shall be used for the general purposes of said Department, including statistics, farm demonstration work, the pub-

lication of bulletins and the dissemination of agricultural literature among the farmers and live stock growers of the State of Kentucky.

§ 3. Whereas, insufficient funds remain to carry on the work of the Department of Agriculture, Labor and Statistics during the remainder of the fiscal year, and also the season for planting and encouraging work among pupils of the common schools of the State is near at hand, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	D. Clarence Gray
Robert H. Akin	George P. Chinn	T. J. Gregory
Eugene G. Asher	Henry Chunn	Joe Hall
P. L. Atherton	Sidney G. Clay	V. D. Hammond
George Baker	W. Frank Cole	A. B. Holland
Eli Berry	Sidney J. Collins	John W. Holland
A. V. Bertram	Elkanah Dickey	James R. Howell
Thos. M. Bertram	Francis B. Douglas	Earl C. Huntsman
E. Bishop	G. L. Drury	John G. Kelley
H. C. Blades	Ben F. Egleston	W. E. King
John F. Brewer	J. H. Elder	M. C. Kirk
Hiram Brown	John M. Farra	Charles H. Knight
Wallace Brown	John F. Fryer	William J. Kuh
Wm. L. Bowling	Allie T. Gaines	J. Albert Leach

James A. Leach	W. F. Parker	W. Scott Smith
F. A. Lochry	J. R. Paxton	Adam Spahn
Hugh Mahin	William A. Perry	A. H. Stamper
B. J. Matthews	W. V. Perry	John G. Stoll
S. F. Middleton	Marion F. Pogue	C. B. Thompson
R. C. McClure	John A. Polin	D. B. Thurman
C. B. Nichols	W. A. Price	Louis B. Tieman
Ben E. Niles	Stanley F. Reed	E B. Wiley
L. B. Owen	S. L. Robertson	J. H. Williams
Luther C. Owings	S. H. Rogers	B. S. Wilson
A. W. Palmer	Robt. H. Scott	—74

Those who voted in the negative were—

R. Dillard Hunter W. N. McCubbin Yeaman Watkins —3

Resolved that the title thereof be as aforesaid.

Mr. Niles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 5, 1912.

The House was opened with prayer by the Rev. Bishop C. C. Penick of the Protestant Episcopal Church of Frankfort.

The reading of the Journal of the proceedings of Friday last was dispensed with.

Upon a call of Counties and Representative Districts

bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Dickey:

H. B. 409. An act providing for the appointment of special guards or patrols and defining their duties, qualifications, term of office and compensation.

To Committee on County and City Courts.

By Mr. Clay:

H. B. 410. An act to provide an adequate penalty for the offense of stealing and taking away any growing crops and making same a felony.

To Committee on Kentucky Statutes.

By Mr. McClure:

H. B. 411. An act to regulate the deposits of money belonging to muncipal corporations.

To Committee on Municipalities.

By Mr. McCrea:

H. B. 412. An act to provide a system of pensions for the teachers of public school system of the Commonwealth of Kentucky, together with the provisions by which it shall be administered, providing the revenue for the maintenance of same and the method of collecting this revenue.

To Committee on Education No. 1.

By same:

H. B. 413. An act to compel parents to maintain their children and fixing a penalty for the failure thereof.

To Committee on Judiciary.

By same:

H. B. 414. An act defining motor vehicles, providing for the registration of the same and uniform rules regulating the use and speed thereof.

To Committee on Public Roads and Highways.

By Mr. Nichols:

H. B. 415. An act to prohibit the sale or disposition of spirituous, vinous or malt liquors within 400 yards of the Campus or grounds of any State Normal School or State University.

To Committee on State University and Normal Schools.

By Mr. Stoll:

H. B. 416. An act relating to free public libraries in cities of the second class.

To Committee on Municipalities.

By Mr. Spahn:

H. B. 417. An act to promote physical education in schools of cities of the first and second class.

To Committee on Municipalities.

By Mr. W. A. Perry:

H. B. 418. An act to amend and re-enact Section 1930 of the Kentucky Statutes, concerning fugitives from justice, passed August 3, 1892.

To Committee on Judiciary.

By same:

H. B. 419. An act creating the Kentucky State Board or Accounting.

To Committee on Judiciary.

By Mr. Kirk:

H. B. 420. An act to amend and re-enact Section 1899 Carroll's 1909 edition, Kentucky Statutes, relating to the unlawful catching of fish in the streams, lakes and ponds of this State, forming the boundary line thereof.

To Committee on Fish and Game.

By Mr. H. J. Meyers:

H. B. 421. An act to make uniform the law of warehouse receipts and prescribing the duties of warehousemen and penalties for breach of said duties.

To Committee on Public Warehouses and Granaries.

By Mr. Parker:

H. B. 422. An act to prohibit the use and sale of tobaccos in the State of Kentucky.

To Committee on Criminal Law.

By Mr. Howell:

H. B. 423. An act amending Section 4464b, Kentucky Statutes, in regard to extending boundaries of graded common school districts.

To Committee on Education No. 1.

By same:

H. B. 424. An act amending Section 4474, Kentucky Statutes, concerning the course of study in graded common school districts.

To Committee on Education No. 1.

By Mr. E. B. Thompson:

H. B. 425. An act to amend Section 132, Kentucky Statutes, Carroll's edition, 1909.

To Committee on Circuit Courts.

By Mr. Herrintgon:

H. B. 426. An act to amend Subsection 19 of Section 4534a of Carroll's Kentucky Statutes, entitled "Interest in school contracts forbidden."

To Committee on State University and Normal Schools.

By Mr. Scott:

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be effected.

To Committee on Judiciary.

By Mr. Gray:

H. B. 428. An act relating to fire escapes.

To Committee on Kentucky Statutes.

By Mr. Stamper:

H. B. 429. An act changing the Twenty-first, Twenty-third, Twenty-fifth and Thirty-third Judicial districts of Kentucky and fixing the time for holding courts in same.

To Committee on Redistricting—Judicial.

By Mr. Schoberth:

H. B. 430. An act to change Twenty-ninth and Eleventh Circuit Court Districts of Kentucky and providing for the time of holding terms of Circuit Courts in said districts.

To Committee on Redistricting—Judicial.

By Mr. E. B. Wiley:

H. B. 431. An act to authorize appointment of Assistant Assessor.

To Committee on County and City Courts.

Mr. Pogue presented the petition of sundry citizens of Livingston and Crittenden counties asking for the repeal of the dog law and the use of schoolhouses for farmers' organizations.

Petitions were severally presented by Messrs. D. W. Wiley, Akin and Chunn of sundry citizens of Webster, Caldwell and Calloway counties asking the passage of a bill permitting the use of schoolhouses in common school districts for the use of farmers' organizations for their meetings.

Said petititons were all referred to the Committee on Agriculture.

Mr. Lochry offered the following motion, viz.:

Be and it is hereby moved that when this House adjourn that it adjourn in memory of Governor William Goebel, deceased, to-wit:

Upon motion: Be and it is hereby agreed by the members of the House of Representatives of the General Assembly of the Commonwealth of Kentucky in session assembled on this February 5, 1912,

That when the said House of Representatives adjourn from the deliberations of its legislative duties of this day's session that it adjourn out of profoundest respect, kindest regards and in sweet and solemn commemoration of our martyred Governor—"the friend of the great common people"—Governor William Goebel, who departed this life in the bloom of manhood, prime of life and in the midst of his usefulness on the 3rd day of February, A. D. 1900.

Said motion was adopted.

Mr. Hamilton moved that the rules be suspended and that a bill entitled,

H. B. 43. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth,

Be taken up for consideration from the Orders of the Day and that said bill be made the Special Order of the Day for Wednesday, February 7, at 11 o'clock a. m.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted a resolution of the following title, viz.:

S. Res. 14. Resolution fixing hour for Gov. Woodrow Wilson to address this General Assembly.

Said resolution is as follows, viz.:

Resolved by the General Assembly of the Commonwealth of Kentucky: That the hour for the address of Gov. Woodrow Wilson of New Jersey, on Friday, February 9, 1912, and it is fixed for 3:30 p. m. of that day; and

Be it further resolved that the Committee of the Senate heretofore appointed to manage these matters be authorized to act concurrently with a Committee of five members of the House of Representatives to be appointed by the Speaker thereof.

By unanimous consent the rules were suspended, said resolution was read and concurred in.

Under and by virtue of said resolution the Speaker appointed as the Committee provided for therein Messrs. Douglas, Pogue, Howell, Thurman and Mahin.

A message in writing from the Governor was received as follows, viz.:

To the Senate and House of Representatives of Kentucky:

The Fiftieth Anniversary of the Battle of Gettysburg will occur an July 1, 2, 3 and 4, in 1913, and it is proposed to have at Gettysburg on that Anniversary a great Reunion of the men who fought in each army during the Civil War, and lay the corner stone of a permanent peace memorial. The veterans of the North, and especially of the State of Pennsylvania, have extended to the veterans of the South, including Kentucky, a cordial invitation to attend and participate in the Peace Conference which will show friendship and fraternity between those who wore the Blue and those who wore the Gray. Various States, both in the North and in the South, have agreed to participate in this great Peace Jubilee.

C. Irving Walker, Lieutenant General commanding the United Confederate Veterans, has issued an order in which he "advises his comrades that they have been offered by the State of Pennsylvania and the Union veterans the hand of peace and amity, with such cordiality, fairness and consideration, that they should know it and, he thinks, should accept and grasp it."

Colonel Lewis E. Beitler, representing the Gettysburg Fiftieth Anniversary Commission, is here to present in person the invitation; and both General Walker and Colonel Beitler desire to be heard a few minutes while they extend

the invitation and explain the purposes of the Gettysburg Celebration.

I recommend that proper action be taken by the Legislature, and that arrangements be made for Kentucky to be represented and for as many Confederate and Federal soldiers to be present as possible.

JAMES B. MCCREARY,
Governor.

February 5, 1912.

Thereupon Mr. Keller moved that the House do now resolve itself into the Committee of the Whole House for the purpose of hearing addresses from gentlemen named in said communication, and that a Committee be appointed to notify said gentlemen of the action of the House.

Said motion was agreed to.

Thereupon the Speaker appointed as said Committee Messrs. Keller, Middleton and Hunter.

The Chair also designated Mr. Keller as Chairman of the Committe of the Whole.

After a time Mr. Keller of the Committee of the Whole House reported that said Committee had had under consideration said communication and had listened to addresses from the gentlemen named therein and asked to be discharged which was granted.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled,

H. B. 23. An act to provide for the erection and completion of a Governor's mansion and other necessary buildings connected therewith at the seat of government.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 169. An act providing for the inspection of bulls, cows and calves held and owned in this State.

H. B. 8. An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of Kentucky, to establish a State Board of Veterinary Medical Examiners and to provide penalties for violating the provisions thereof.

H. B. 256. An act to regulate and provide the fees that sheriffs, constables, coroners, marshals and policemen shall receive for summoning witnesses to appear before grand juries.

H. B. 57. An act changing and fixing the time for holding courts in the 27th Judicial District of Kentucky.

H. B. 204. An act authorizing the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

H. B. 153. An act to amend Section 2162, Article 2, of the Kentucky Satutes, relating to inquests.

H. B. 175. An act authorizing the fiscal court of each county to purchase such official records, blanks, stationary and office supplies as are necessary in the transaction of

official business and for which there is now no provision of law authorizing the purchase of such articles.

H. B. 214. An act to amend Section 885 of Chapter 33, Kentucky Statutes (Carroll's edition, 1909), entitled "costs."

H. B. 232. An act to amend Section 1051, Kentucky Statutes, 1909, increasing the jurisdiction of quarterly courts.

H. B. 255. An act to authorize fiscal courts to provide for the completion of any incomplete sets of the official edition of the Kentucky Reports of the decisions of the Kentucky Court of Appeals in the various county offices, for the use of county officials.

H. B. 247. An act relating to filing and indexing of chattel mortgages.

H. B. 79. An act to enable counties or parts of counties to erect and furnish school houses and to provide the money therefor by the issuance of bonds.

H. B. 289. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909 (Act of March, 1908, p. 133), Districts, Trustees, Teachers, Taxation.

S. B. 18. An act to amend Chapter 21 of the acts of 1906, entitled "An act to amend Section 2560 of the Kentucky Statutes," it being a portion of Article 1, of Chapter 81 of the Kentucky Statutes, entitled "Liquors—Intoxicating."

H. B. 172. An act to amend Section 2282, Chapter 74, Kentucky Statutes.

H. B. 117. An act relating to the sale of lard, or any oil or grease, used as a substitute therefor, and to any article intended for food for human beings, and requiring the can, bucket, barrel, keg, bottle, receptacle, containing such article to be so stamped, or labeled, as to indicate the date on which such article is manufactured, rendered, refined, boxed, canned, packed or wrapped.

H. B. 207. An act to repeal Sections 2487, 2488, 2489, 2490 and 2491 of the Kentucky Statutes of the edition of John D. Carroll, compiled and published in 1903.

H. B. 37. An act to amend Section 11 of an act relating to husband and wife, and entitled, "Husband and wife," approved May 16, 1893 (Kentucky Statutes, Section 2106).

H. B. 231. An act to amend and re-enact Section 2248, Kentucky Statutes, relating to the qualification of grand juries.

H. B. 287. An act to create a Telegraph and Telephone Utility Commission, to define its powers and duties, to provide for its expense.

H. B. 194. An act to provide uniform rules, regulating the use and speed of all vehicles on the public highways of the State defining motor vehicles, and providing for the registration of motor vehicles, and prescribing penalties and civil liabilities for the violation thereof.

H. B. 279. An act to amend Chapter 89, Kentucky Statutes, Carroll's edition, 1909, relating to municipal corporations and adding thereto Section 3687a.

H. B. 280. An act entitled An act to establish in the

dark tobacco belt an agricultural station and appropriating funds therefor.

Ordered that said bills be severally read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 91. An act to provide for the sale and purchase of the assets of a corporation created under the laws of this Commonwealth whose charter will expire within two years from the date of such sale and purchase.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any corporation organized under the laws of this Commonwealth may, at any time within two years before the expiration of such charter, sell and convey to any other corporation organized under the laws of this Commonwealth and engaged in the same character of business, all of its property, rights, privileges, franchises, easements, rights of way, and all other property and property rights it may use or possess, to such other corporation, upon such terms and conditions as may be agreed to in writing by three-fourths in amount of the stockholders of the selling corporation.

§ 2. Any corporation organized under the laws of this Commonwealth is hereby authorized to purchase the corporate assets of any corporation organized under the laws of this Commonwealth and engaged in the same character of business, upon such terms as may be agreed to in writing by three-fourths in amount of its stockholders, and from and after such purchase and sale the purchasing corporation shall be vested with all the rights, privileges, franchises, easements, rights of way and all other property and assets of the selling corporation, and be liable for all the obligations of the selling corporation, in the same manner and with like effect as if such corporation had been formally consolidated under the laws of this Commonwealth.

§ 3. A copy of the agreement to purchase and sell shall be acknowledged by a majority of the Board of Directors of the purchasing corporation and shall be recorded in the same manner as is now provided for amendments to articles of incorporations, in the counties where the corporations have their legal domicile.

§ 4. In view of the necessity for speedily providing an inexpensive means of continuing the business of corporations, whose charters are about to expire, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

The amendment as heretofore proposed by the Committee on Corporate Institutions to said bill is as follows, viz.:

Amend by striking out Section 4, and inserting in lieu thereof the following, viz.:

Section 4. This act shall take effect from and after its approval by the Governor.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title, and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
Earl C. Huntsman
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. H. Rogers
Robt. H. Scott
W. Scott Smith
Adam Spahn

A. H. Stamper	E. B. Thompson	E. B. Wiley
John G. Stoll	D. B. Thurman	David W. Wiley
C. B. Thompson	Louis B. Tieman	Charles Yancy

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Those who voted in the negative were—

D. Clarence Gray	W. J. Jackson	W. A. Shawler

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Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 6. An act to change the name of Mt. Pleasant to Harlan and to put the city of Harlan in the fourth class.

Together with an amendment heretofore proposed by the Committee on Classification of Cities and Towns.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the county seat of Harlan County, Kentucky, be changed so as to read Harlan in lieu of Mount Pleasant.

§ 2. That the town of Harlan, Harlan County, Kentucky is hereby declared to be a fourth class city.

All laws or parts of laws in conflict with this law are hereby repealed. An emergency is hereby declared to exist and this bill shall take effect on and after its passage.

Said amendment is as follows, viz.:

Strike out the word "fourth" and insert in lieu thereof the word "fifth."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time. The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	L. B. Herrington
Robert H. Akin	G. E. Carroll	A. B. Holland
Eugene G. Asher	George P. Chinn	John W. Holland
George Baker	Henry Chunn	James R. Howell
J. M. Bean	Elkanah Dickey	Earl C. Huntsman
Eli Berry	Francis B. Douglas	W. J. Jackson
A. V. Bertram	Ben F. Egleston	Green R. Keller
E. Bishop	J. H. Elder	John G. Kelley
H. C. Blades	Eli Farmer	W. E. King
John F. Brewer	D. Clarence Gray	M. C. Kirk
Hiram Brown	Elwood Hamilton	Charles H. Knight
Wm. L. Bowling	V. D. Hammond	William J. Kuh

James A. Leach	A. W. Palmer	W. Scott Smith
F. A. Lochry	W. F. Parker	Adam Spahn
Hugh Mahin	William A. Perry	A. H. Stamper
B. J. Matthews	W. V. Perry	John G. Stoll
Harry J. Meyers	Marion F. Pogue	C. B. Thompson
S. F. Middleton	John A. Polin	D. B. Thurman
R. C. McClure	W. A. Price	E. B. Wiley
W. N. McCubbin	Stanley F. Reed	David W. Wiley
C. B. Nichols	S. H. Rogers	J. H. Williams
L. B. Owen	Robt. H. Scott	Charles Yancy
Luther C. Owings	W. A. Shawler	

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Mr. Keller moved that the title of said bill be amended as follows, viz.:

Strike out the word "four" and insert in lieu thereof the word "fifth."

Said amendment was agreed to.

Resolved that the title thereof be as follows, viz.:

An act to change the name of Mt. Pleasant to Harlan and put the city of Harlan in the fifth class.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 99. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amendment approved March 22, 1910, which Act amended Chapter 35, Section 965 of the Kentucky Statutes, relating to the time of the holding of Circuit Courts in the Eighth Judicial District of Kentucky, be, and the same is hereby amended, so that Section 965 of Chapter 35 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District of Kentucky, shall read as follows:

"EIGHTH JUDICIAL DISTRICT.

In Allen County, at Scottsville, on the 3rd Monday in January, twelve juridical days; 3rd Monday in April, twelve judridical days; and 3rd Monday in September, twelve juridical days.

In Butler County, at Morgantown, the 1st Monday in February, twelve juridical days; 1st Monday in May, twelve juridical days; 1st Monday in October, twelve juridical days.

In Edmonson County, at Brownsville, on the 3rd Monday in March, twelve juridical days; 3rd Monday in June, twelve juridical days; and on the 3rd Monday in November, twelve juridical days.

In Warren County, at Bowling Green, on the 1st Monday in January, twelve juridical days; 3rd Monday in February, twenty-four juridical days; on the 1st Monday in April, twelve juridical days; 3rd Monday in May, twenty-four juridical days; 1st Monday in September, twelve juridical days; and on the 3rd Monday in October, twenty-four juridical days.

§ 2. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 3. This Act shall take effect on and after July 1, 1912.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wm. L. Bowling
G. E. Carroll
C. W. Burton
George P. Chinn
Henry Chunn
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
D. Clarence Gray
Joe Hall
Elwood Hamilton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
Earl C. Huntsman
W. J. Jackson
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
C. B. Nichols
L. B. Owen
Luther C. Owings
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Robt. H. Scott
W. A. Shawler
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
Charles Yancy
Edward L. Young

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Resolved that the title thereof be as aforesaid.

Mr. Thurman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House in accordance with the provisions of a resolution heretofore adopted on this day adjourned.

TUESDAY, FEBRUARY 6, 1912.

The House was opened with prayer by the Rev. Father Thomas A. Murray of the Roman Catholic Church of the city of Campbellsville, Kentucky.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Keller offered the following resolution, viz.:

Resolved, that beginning Thursday, February 8, there shall be afternoon sessions on Tuesdays, Wednesdays and Thursdays beginning at 3 o'clock to consider only bills in the Orders of the Day.

Mr. Keller moved that said resolution be referred to the Committee on Rules.

Said motion was agreed to.

Mr. E. B. Thompson offered the following resolution, viz.:

Whereas, the anniversary of the birth of Kentucky's greatest son, Abraham Lincoln, is near at hand to-wit: February 12, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That an invitation be extended to Hon. James B. McCreary, Governor of Kentucky, to address the Joint Assembly on the life and traits of said Lincoln at 2 p. m. on Tuesday, February 15th.

Mr. Scott offered the following amendment to said resolution:

Scratch out the word "greatest."

Said amendment was agreed to.

Said resolution as amended was then adopted.

Mr. Forgy offered the following resolution, viz.:

Whereas, today is the anniversary of the Hon. James E. Stone, the beloved Clerk of this House, who has so long and faithfully served in that capacity, therefore, be it

Resolved, that when this House adjourns today it do so as expression of the faith, confidence and high esteem in which the Hon. James E. Stone is held by the members of this House.

Said resolution was adopted.

Mr. Young of the Committee on Revenue and Taxation

to which the same had been recommitted with leave to report at any time, reported a resolution entitled,

S. Res. 7. Resolution providing stenographic help and legal assistance to special committee investigating Auditor's Agents.

Together with an amendment thereto.

Said resolution is as follows, viz.:

Whereas, there has been appointed by the Senate a Committee to investigate the conduct and management of the officers by the Auditor's Agents during the last eight years, and whereas, under Section 1992, Kentucky Statutes, it is provided that "no other employee shall be elected, appointed, employed or paid for without the joint action of the two Houses," other than those mentioned in the Constitution, and it being the opinion of this General Assembly that the said investigation should be made and that the same will result in great good to the Commonwealth and to its citizens, and that it is necessary and proper that the said committee should have, in order to faciliate its work and to make same effective, the services of a stenographer, Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Committee be, and it is, authorized to employ a stenographer to take down the evidence that may be introduced before it and to keep a record of its proceedings and to pay for same at $5.00 for each working day, and to audit and allow the actual expenses of the witnesses who appear before it in obedience to its summons, the employ-

ment of said person and payment of said witnesses is hereby declared to be contingent and necessary expenses of the Senate and the Chief Clerk thereof is authorized and directed to certify to the Auditor of Public Accounts the correctness of all claims against the Treasury incurred by said Committee, as contemplated herein.

§ 2. The Chairman of said Committee shall furnish to the Chief Clerk of the Senate the correct number of days worked by said stenographer and the amount allowed to witnesses and upon this certification the Clerk of the Senate shall draw a voucher to each of the parties entitled thereto upon the Auditor of Public Accounts for the amount due each of them and for which amounts the Auditor shall draw his warrant upon the Treasury, payable to said parties respectively, and to be paid out of any money in the Treasury to the credit of the General Expenditure Fund, not otherwise appropriated.

§ 3. It appearing that the said employees and witnesses will render valuable services to the Commonwealth and that they will need their money to pay expenses while so employed and appearing before said Committee, an emergency is hereby declared to exist, and this Resolution shall take effect upon its adoption.

The amendment proposed to said resolution by the Committee is as follows, viz.:

Amend by striking out the words "attorneys and" in lines three and four of Section 2.

Said amendment was agreed to.

Said resolution as amended was then read and concurred in.

Mr. Schoberth moved that the rules be suspended and that the House take from the Orders of the Day a bill entitled,

H. B. 138. An act to further amend an act entitled "An act for the benefit of the Kentucky Children's Home Society."

And that said bill be made the Special Order of the Day, for Thursday, February 8, at 11:45 o'clock a. m.

Said motion was agreed to.

A message was received from the Governor in writing as follows, viz.:

To the Senate and House of Representatives of Kentucky:

I have received from President Taft the following telegram:

"Reports of the famine in China are so appalling that I have felt it imperative, as President of the Red Cross, to make known the facts as given to the press, in order that the people of the United States may extend relief with characteristic generosity. If you see fit to supplement this publication by proclamation to the people of your State, the force of this appeal will be greatly strengthened. In case this suggestion is approved, we shall be pleased if you will name the members of the Red Cross Board of your State as proper persons to receive contributions.

"WILLIAM H. TAFT."

The destitution and suffering which now exists in certain Provinces of China demand the attention and assistance of symphathetic and prosperous people in every part of the civilized world.

I have received reliable information that recurrent inundations by the Yangste and other rivers have destroyed crops and prevented cultivation of the lands. Millions of human beings are now facing starvation. An agent of the American Red Cross, who has recently traveled throughout the famined district, reports conditions of starvation of the most terrible and appalling character. Until peace is restored in China and the functions of efficient government are established, these conditions must continue save as relieved by the charitable efforts of other countries.

The Central China Relief Committee has created a strong and efficient organization, with agencies established throughout the affected districts. This body, which comprises many leading American, European and Chinese merchants and missionaries, will render assistance as means may be sent to them.

I unite with the Red Cross Board of Kentucky in appealing to the people of Kentucky to come to the relief of suffering, destitute persons in China. The members of the Red Cross Board in Kentucky will receive contributions.

They are:

Hon. Augustus E. Willson, President, Louisville, Ky.

Logan C. Murray, Treasurer, Louisville, Kentucky.

Miss Nora Brown, Secretary, Louisville, Kentucky.

Bernard Bernheim, Louisville, Kentucky.

Desha Breckinridge, Lexington, Kentucky.

Wilber F. Browder, Russellville, Kentucky.

Charles E. Hoge, Frankfort, Kentucky.

William H. Mackoy, Covington, Kentucky.

JAMES B. MCCREARY, Governor.

February 6, 1912.

Said communication was read and ordered to be referred to the Committee on Appropriations.

A message was received from the Senate announcing that they had adopted a Joint Resolution of the following title, viz.:

S. Res. 12. Resolution providing for the appointment of a Joint Committee to arrange for addresses to be delivered by invited guests of the General Assembly.

Said resolution was ordered to lie on the Clerk's desk.

The hour of 11:30 o'clock having arrived,

The House took up for consideration the Special Order for that hour a bill entitled,

H. B. 25. An act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contributions and expenditure of campaign

funds and to control and regulate contributions made for campaign purposes, to further the election of any party, organization or person and fixing penalties therefor.

Mr. Keller moved that the House do now resolve itself into the Committee of the Whole House on the State of the Commonwealth, for the purpose of considering said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair having designated Mr. Keller as chairman of the Committee of the Whole House.

After a time the Speaker resumed the Chair.

Mr. Keller of the Committee of the Whole House reported that they had had under consideration the aforesaid bill and that said Committee had directed him to report the same back to the House with an amendment thereto and that they be discharged from the further consideration of said bill.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter any person indorsed in any petition for nomination for any political party at any primary election or any person nominated by petition for an elective office at the time of filing such petition or certificate of nomination, or who is placed upon the ballot at any general election in any way as now provided by law, shall within five days thereafter, file with the officer authorized by law to receive

and file such petitions, the names of not less than one nor more than three persons selected to receive, audit and disburse all moneys contributed, donated, subscribed or in any wise furnished or raised for the candidate, together with the written acceptance and consent of such person to act as such committee, provided that any candidate may if he sees fit to do so, declare himself as the person chosen for such purpose, or may either in the first instance, or within five days after he has received any party nomination, designate the county, city or state committee of his party for such purpose, in which event the maximum number hereinbefore stated, shall not apply. Such person or persons, or committee, may act conjointly for any number of counties. They shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee. He shall keep detailed accounts of all receipts, payments and liabilities; failure to make such declaration of appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have exclusive custody of all moneys contributed, donated, subscribed, or in any wise furnished for or on behalf of the candidates or political party represented by said committee, and shall disburse the same on proper vouchers. If for any cause a vacancy shall occur in the membership of said committee, prior to the 15th day before the day of holding said election, the vacancy must be filled by the authority making the original appointment. No vacancy by resignation from said committee or by refusal to act thereon shall occur after the 15th day before the day of holding said election, and until the said committee shall have completed and discharged all the duties required of them by this act. If any vacancy be created by death or legal disability, subsequent to the 15th day before the day of holding an election, such vacancy shall not be filled, and the remaining members

shall discharge and complete the duties required of said committee as if such vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his election except by contribution to the committee designated by him, as aforesaid. Any person who shall act as his own committee, shall be governed by the provision of this act relating to committees designated by candidate.

§ 2. Within twenty days after any election, the treasurer of said committee shall file, as hereinafter provided, an itemized statement, showing in detail all of the moneys contributed, donated, subscribed, or in any wise furnished or received to the use of the political party, organized assemblage or body, or any or all the candidates for public office or electors, or for nominations coming under the control of such committee or into their custody directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived, also an itemized statement of all moneys expended. Such statement shall give the name of the various persons to whom such moneys were paid, the specific nature of such item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement, an affidavit subscribed and sworn to by the treasurer of said committee, setting forth in substance that the statement thus made is in all respects true and that the same is a full and detailed statement of all moneys, securities or equivalents for moneys coming under the control or custody of said committee, and by them expended directly or indirectly. Such statement shall be filed in the same office in which is filed a certificate of their selection as such committee and shall become a public document open to inspection by any citizen.

§ 3. Every candidate who is voted for at a general

election held within the State, shall, within twenty days after any general election, file, as hereinafter provided, a statement, under oath, showing all moneys paid, loaned, contributed, or otherwise furnished by him in said committee in aid of his election or nomination. Such statement shall give the names of the various persons, if any, who paid, loaned, contributed, or otherwise furnished any moneys to said candidate, either directly or indirectly, in aid of his election or nomination. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate which must be substantially in the following form:

State of Kentucky, }
County of Franklin. } ss.

I, ...having been a candidate for ..... office at the election held in the county, city and county, city or other division, State of Kentucky, on the ..... day of .....(naming the committee designated by him) do solemnly swear that I have paid the sum of $..... to ..... for my expenses at said election, and no more; that except as aforesaid, I have not, nor to the best of my knowledge or belief, has any person, committee, club, society or association, on my behalf, directly or indirectly, made in payment of, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on the account of or in respect of the conduct or management of said election, except such moneys as may have been paid to or expended by the said committee designated by me.

§ 4. If any candidate seeks to avoid the responsibility of payment made by any other person in his behalf, of which

he has knowledge, he shall set forth such payment and disclaim responsibility therefor.

§ 5. Candidates for office to be filled by the voters of the State or of any political division thereof, greater than a county, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held and within which the duties of the office, for which the candidate is voted for, are to be exercised. The statement and affidavit of a committee or candidate shall, after being filed, become a public record and open at all times to public inspection.

§ 6. Any candidate who shall refuse or neglect to file or who makes a false statement received or expended as prescribed by this act, shall be guilty of a misdemeanor and fined not less than $50.00, nor more than $2,000.00 or confined in the county jail for not less than two months, nor more than twelve months, or both so fined and imprisoned, and shall in addition to the punishment for such offense forfeit any office to which he may have been elected at the election, in reference to which the statement is required to be made.

If a candidate elected to a public office, or party position, refuses or neglects to file the statement prescribed by this act, no certificate of election shall be issued to him; neither shall any official bond presented or offered by him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office but shall continue to discharge the duties, and shall receive the emoluments thereof until his successor is legally chosen. If the candidate refusing or neglecting to file the statement or making a false statement of moneys ex-

pended, is the incumbent of an office of profit or trust, under the laws of this State, except in the event of a constitutional provision to the contrary, in addition to the punishment prescribed by the laws of this State for such refusal or neglect or for making such false statement, he shall be deprived of his office and shall also forfeit any office to which he may have been elected at the election, in reference to which the statement is required to be made.

§ 7. Every claim payable by the committee selected under the provisions of section one of this act, on account of or in respect of any expenses incurred in the conduct or management of an election held within this State or on behalf of the candidates of the political party, organized assemblage or body, which such committee represents, must be presented to the committee within ten days after the general election, and if not presented, the same shall not be paid, and no action shall be commenced or maintained thereon. And all expenses incurred, as aforesaid, shall be paid within fifteen days after the completion of such official canvass and not otherwise. Any person who makes a payment in contravention of this act shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $1,000.00 or by confinement in the county jail, not exceeding ninety days, or both such fine and imprisonment.

§ 8. The judge of the circuit court in the county wherein such statement is filed, or is required to be filed, may, on application of eithter the committee or a creditor thereof, allow any claim to be presented and paid after the time limited by this act, and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee in the same office as the original statement of the committee. If the committee, upon such

application, shall show to the satisfaction of said judge, that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit or to present, within the designated time, a claim, otherwise just and proper, has been occasioned by the absence or illness of such candidate or by the absence, illness or death of one or more members of said committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or for any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the judge may, after such notice of the application as the judge may require, and upon production of such evidence of the facts stated in the application as shall be satisfactory to said judge, by order allow such statement and affidavit to be filed, or such error or false recital therein be corrected, or such claim be paid as to the judge seems just. And such order shall relieve the applicant from any liability or consequences under this act in respect to the matters excused by the order. If the application is made by a creditor, the judge may, under like conditions, and upon like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors shall be united in such application and the amount and specification of such claim must be fully stated.

§ 9. Every bill, placard, poster, pamphlet, advertisement, or other printed matter having reference to an election or to any candidate, shall bear upon the face thereof, the name and address of such person or committee causing the same to be published, and no payment shall be made or allowed unless such address is so printed. And anyone violating the provision of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding $100.00 or imprisonment in the county jail not exceeding sixty days, or both so fined or imprisoned.

§ 10. No money shall hereafter be paid, or any expense authorized or incurred by, or on behalf of any candidate for election, to any party position, or for election to any office or any political party organization for any purpose prohibited by the provision of this act. Any person or corporation wilfully violating its provisions shall be fined in any sum not exceeding $1,500.00.

§ 11. No money shall be paid or expense authorized or incurred by any candidate for election to any office, be paid by him in excess of the following sums: At any election for Governor, $2,500.00; for any election to Congress, $1,500.00; for any election to a county office, including members of the Senate and House of Representatives, $200.00; by any candidate for municipal office, $250.00, provided, however, that any candidate may expend in his campaign for election to any office, a sum not exceeding twenty-five per centum of one year's salary of the office which he seeks, provided that nothing herein contained shall authorize personal expenditure by any such candidate, but the sums herein mentioned may be contributed to the designated committee, and expended by them in the manner herein provided. Any candidate violating the provision of this section shall be punished by fine of not exceeding $1,000.00 or confinement in the county jail not exceeding twelve months, or both such fine and imprisonment.

§ 12. For the purposes of this act, the expenses or contributions of any ascendant, or descendant, brother, sister, uncle, aunt, nephew, niece of any candidate, or of any official of a corporation, shall be considered as the expenses or contributions of the candidate himself or herself.

§ 13. No money shall be spent, and no expense author-

ized or incurred on behalf of any candidate for nomination to any office or on behalf of any political party or organization for either of the following purposes:

(a) The hiring of any vehicle for the transportation of voters to or from the polls.

(b) The hiring of any watchers, agents or challengers for any work on election day.

Provided, that each political party or organization may employ not exceeding two persons on election day to act as challengers or agents in each polling place as now provided by law; every such challenger and agent shall on said election day wear a badge which shall show to any other person the political party or candidate for whom such challenger or agent is acting; said badge shall be furnished by the county board of election commissioners.

And provided further, that the chairman of the county committee or other organization of any political party which has nominated candidates to be voted for at any general election, may petition the judge of the county court at least fourteen days prior to the day of the general election, setting forth that certain voters described in said petition reside at a distance of at least three miles from the polling place at which, under the law, they are entitled to vote on election day, or are aged or infirm, and that said voters do not, nor does any of them, possess any vehicle or other means of transportation from their places of residence to the said polling place, and no railway or electric line is available to them, and requesting that the said judge shall order the expenses of the transportation of the said voters on election day from their homes to their polling places and re-

turn to be paid by the fiscal court of the county upon vouchers as hereinafter provided.

§ 14. If the said judge shall be satisfied that the public interests require the transportation of the said voters, he may make an order authorizing the petitioner to employ such number of conveyances, at rates of compensation to be fixed in the said order, and the amount so authorized, shall be paid by the fiscal court of the county, upon vouchers as hereinafter provided. Each person who shall furnish a vehicle or conveyance under the order of said judge, shall file with the said judge within four days after the day of the election, a voucher or bill setting forth the number of voters transported in his said vehicle, and the time consumed in such transportation. The owner or operator of said vehicle or conveyance shall make oath or affirmation to the truth of the facts set out in the said voucher. Attached to said voucher or bill shall be the affidavit of each person claimed to have been transported by the person presenting the said voucher or bill; said affidavit shall state the place of the residence of said voter, and shall set forth that the place of said residence is more than three miles from the polling place at which said voter voted, and that said voter did not own any horse and wagon or motor vehicle on said day of election, and that there was no trolley line running within half a mile of the residence of the said voter upon which he could be transported to within a half mile of the voting place. If the said judge of the said court shall approve of the said vouchers, the same shall be paid by the fiscal court of said county. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.00.

§ 15. No payment of money shall be made and no ex-

penses shall be incurred by any person in the aid of or for or on behalf of any candidate, or on account of or in respect of the conduct or management of the election held within this State, except by the committee selected under the provisions of section one of this act. All expenses shall be paid only from the fund in the custody of the said committee so selected as required by this act. Any contract for the payment of money, or any expense incurred, contrary to the provisions of this section, shall be absolutely void.

§ 16. No person or candidate for nomination or for election to a public office or party position shall pay, lend or contribute, or offer, or agree to pay, lend or contribute, any money or other valuable consideration to or for any person, either for—

(1) The doing or procuring to be done of any act forbidden to be done by the laws of this State relating to primary or general elections; or,

(2) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense; or,

(3) Providing wholly or in part for the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct or ward or district, with the purpose of securing the vote of such person for himself or any other person, at an election held within the State; or,

(4) The hiring or employment of a person to take or

maintain a place in, or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place of an election precinct; or,

(5) In consideration of any person withdrawing as a candidate for public office at any election held within the State; or,

(6) For any purpose in contravention of the provisions of this act; or,

(7) Making any payment after the time limited by this act, unless the same is authorized as provided by this act, or unless it be in satisfaction of a judgment obtained against him, whether before, during or after an election, in respect of or on account of such election, or who refuses or neglects to file the statement prescribed by section 3 of this act, or who makes or files a false statement thereof, or is guilty of any crime against the elective franchise, or of any offense which is punishable by fine or imprisonment, or both, under the provisions of this act. Any person or corporation violating the provisions of this act shall be punished by fine not exceeding $1,000.00.

§ 17. No person shall make any payment of his own money, or of the money of any other person, in connection with any nomination or election in any other name than that of the person who really supplies such money, nor shall any person knowingly receive such money or thing of value, and enter it into his accounts in any other name than the name of the person who really supplies the same; provided, that the money received from the treasurer of any political organization may be so entered. Any person or corporation

violating the provisions of this section shall be punished by fine not exceeding $1,000.00.

§ 18. No holder of any public office or position not filled by the voters or benevolent order or association thereof shall contribute to the nomination or the election of any person to public office, provided that this prohibition shall not apply to any person holding an appointive office or position the term of which is fixed by law. No person shall invite, demand or accept payment or contribution from such persons for campaign purposes. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.00.

§ 19. No person shall demand, solicit, ask or invite any payment or contribution from any religious, charitable or other cause or organization supposed to be primarily for the public good from any candidate for office. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.00.

§ 20. No person shall demand, solicit, ask or invite any candidate for public office to subscribe for the support of any club or organization, or to buy tickets to any entertainment, or ball, or to pay for space in any book, program, periodical or publication. This shall not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular advertiser prior to his candidacy, nor to ordinary business advertising, nor to the regular payments to any organization, religious, charitable, or otherwise, of which he was a member, or to which he was a contributor, for more than six months before his candidacy, nor to any ordinary contribution at church services. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.00.

§ 21. No person, party or organization shall pay any person for loss or damage due to attendance at the polls at any election, or any registry therefor, or the purpose of such registration. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.00.

§ 22. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(1) To pay, lend, or contribute or offer to promise to pay, lend or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such

(2) To give, offer, or promise any office, place or employment, or to promise to procure, or endeavor to procure, any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

(3) To make any gift, loan, promise, offer, procurement or agreement, as aforesaid, to, for or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election.

(4) To procure, or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at such election.

(5) To advance or pay or cause to be paid, any money or other valuable thing, to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

(6) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging or maintaining a person at any place or domicile in any election precinct, or ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election.

(7) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State Prison.

(8) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of dele-

gates, or other body, representing, or claiming to represent, a political party or principle, or any club, society or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association, having voted to select or indorse any person as a candidate for a public office.

(9) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for public office.

Any person violating the provisions of this section shall be punished by fine not exceeding $1,000.00 nor less than $50.00, or by confinement in the county jail for not less than one month, nor more than twelve months.

§ 23. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(1) To receive, agree or contract for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining, or agreeing to refrain from voting for any particular person or persons at any election.

(2) To receive any money or other valuable thing during or after an election, on account of himself, or any other person, having voted or refrained from voting for any particular person or persons at such election, or on account of

himself, or any other person, having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting or to vote or refrain from voting for any particular person or persons, or to come or remain away from the polls at such election.

(3) To receive any money or other valuable thing, before, during or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

Any persons willfully violating the provisions of this section shall be punished by fine not exceeding $1,000.00 nor less than $50.00, or by confinement in the county jail for not less than one month, nor more than twelve months.

§ 24. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any provisions of such laws, shall be guilty of a misdemeanor, and punished by a fine not exceeding $1,000.00 and confinement in the county jail not exceeding twelve months.

§ 25. A person offending against any provision of this act is a competent witness against another person

so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or to prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

§ 26. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in, or in any manner become, a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election.

Any person wilfully violating the provisions of this section shall be punished by fine of not less than $50.00, nor more than $1,000.00, or confinement in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

§ 27. Every candidate who refuses or neglects to file a statement, as provided by this act, shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding $1,000.00 or confinement in the county jail not exceeding one year, or both so fined and imprisoned.

§ 28. Every treasurer of a committee selected under the provisions of this act, who refuses or neglects to file a statement as prescribed by this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.00, or by confinement in the county jail not exceeding twelve months.

§ 29. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence or to inflict, or threaten infliction, by himself, or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it shall be unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It shall not be lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor shall it be lawful for any employer, within

ninety days of an election, to put up or otherwise exhibit in his factory, workshop or other establishment or place where his workmen or employes may be working, any hand bill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well as individuals, and any corporation violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than $50.00 nor more than $5,000.00, and in addition shall forfeit its charter or its right to do business in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than $50.00 nor more than $1,000.00, or confined in the county jail for not less than one nor more than twelve months.

§ 30. Every challenger, or inspector, judge or clerk of the election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same in the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge, clerk or other election officer, has fraudulently or illegally discovered to have been voted for by such elector, shall be

deemed guilty of a felony and punished by confinement in the State Penitentiary for not less than one year nor more than two years.

§ 31. If the Commonwealth's Attorney of any district or County Attorney of any county, shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such Commonwealth's Attorney or County Attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any Commonwealth's Attorney or County Attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000.00 and his office shall be forfeited. It shall be the duty of the Commonwealth's Attorney or the County Attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act. Any citizen may employ an attorney to assist said Commonwealth's Attorney or County Attorney to perform his duties under this act, and such attorney shall be recognized by the said Commonwealth's Attorney and County Attorney as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reason of the Commonwealth's Attorney or County Attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

§ 32. Any person or candidate who shall violate any provision of this act, for which no other penalty is fixed, shall be guilty of a misdemeanor, and punished by a fine not exceeding $1,000.00 or confinement in the county jail not exceeding twelve months, or both so fined and imprisoned, and in addition to the punishment prescribed by law, forfeit any office to which he may have been elected at the election, in reference to which such crime or offense was committed and if the candidate so offending is the incumbent of an office of profit or trust under the laws of this State, he shall thereby forfeit this office. Any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by or on behalf of a committee selected under the provisions of section one of this act, and such payment is made for any purpose, which, if the money was expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall be deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee.

§ 33. Any twenty-five voters of the State, or of any political division thereof, may contest the right of any person to nomination, position or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provision of this act or of any other provisions of law relating to nominations and elections, any defeated candidate for said nomination, position or office may make said contest. Said procedure shall be commenced by petition filed in the circuit court of the county in which the candidate whose election is contested resides, and the contest shall be carried on as now provided by law.

In case of contests over nominations, the court shall

pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.

§ 34. When upon the trial of any action or proceedings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

§ 35. Any action under this act contesting any nomination or election must be commenced within thirty days after the day of the election unless the ground of action is discovered from the statements filed under this act, in which event the action must be commenced within thirty days after such discovery. Any action to annul any nomination or election of any person for offices mentioned in this act, must be filed in the circuit court of the county in which the

person resides whose right to the nomination, position or office is contested.

§ 36. Any corporation organized under the laws of this State, or doing business in this State, may be brought into the circuit court on the ground of the deliberate, serious and material violation of this act by proceedings begun and continued in substantially the same form as is required in the case of contesting the nomination or election of any candidate for public office under this act. The petition shall be filed in the circuit court of the county in which the corporation has its principal office, or in which the violation of this act is averred to have occurred.

If judgment shall be rendered in such proceedings against the corporation, and it shall be found to have violated the said act, judgment shall be awarded against the said corporation in the amount of not exceeding ten thousand dollars, or the said court may forfeit the charter of said company if it is a company organized under the laws of this State, or it may revoke its authority to do business in this State.

§ 37. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act, shall not during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in viola-

tion of or contrary to the provisions of this section shall be void.

All acts or parts of acts inconsistent herewith are hereby repealed and whereby the provisions of this act hereby create an emergency, this act shall take effect from and immediately after its passage and approval by the Governor.

Said amendment as reported by the Committee of the Whole to said bill is as follows, viz.:

Amend section 1 by striking out the following words in lines 17 and 18 which read as follows "Such person or persons or committee may act conjointly for any number of counties" and insert in lieu thereof, "Such person or persons or committee may act conjointly for any number of counties, and if a party committee acts it may act conjointly for any number of candidates for different offices or for any number of counties or for the entire State on behalf of any or all of the candidates who are the candidates of such party for election to any office or offices.

Mr. John W. Holland moved that said bill be made the Special Order of the Day for Friday, February the 9th, at 11 o'clock a. m.

Said motion was agreed to.

Mr. Niles moved that the rules be suspended and that the House take from the Orders of the Day a bill entitled,

S. B. 18. An act to amend Chapter 21 of the Acts of 1906, entitled an act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1, Chapter 81 of the Kentucky Statutes entitled "Liquors—intoxicating."

That said bill be made the Special Order of the Day for Friday, February the 9th, at 12 o'clock m.

Said motion was disagreed to.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 124. An act to amend Section 513 of the Kentucky Statutes relating to indexing.

Mr. Hamilton moved that said bill be recommitted to the Committee on County and City Courts.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 119. An act providing for the supplying of the records of County Surveyor's office where same have been destroyed.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county in the State of Kentucky where the records of the surveyor's office have been or may hereafter be lost, mutilated or destroyed, the same shall be supplied upon request of the County Surveyor and County

Judge of such county from the records of the Land Office of the State of Kentucky.

§ 2. The county for which such records are supplied shall furnish or pay for the necessary books in which to make the said records and for the necessary clerk hire to transcribe said records, but no fee or fees shall be due or payable to the State of Kentucky or any officer for such records or the making thereof.

§ 3. The Auditor of Public Accounts shall certify to each book and at the end thereof of such record, when supplied as herein directed and such records when compiled as herein directed and certified by said Auditor shall be prima facie evidence in the courts of this Commonwealth of all matters therein contained.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispense with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Thos. M. Bertram	Wm. L. Bowling
Eugene G. Asher	E. Bishop	C. W. Burton
George Baker	H. C. Blades	G. E. Carroll
J. M. Bean	John F. Brewer	George P. Chinn
Eli Berry	Hiram Brown	Henry Chunn
A. V. Bertram	Wallace Brown	W. Frank Cole

Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Holland
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
B. J. Matthews
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
W. Scott Smith
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
B. S. Wilson
Charles Yancy
Edward L. Young

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Resolved that the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 72. An act amending paragraph 1, Section 606, of Carroll's 1906 edition of the Kentucky Civil Code of Practice.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paragraph 1, of Section 606, be amended by adding thereto the words, "and except further in an action for divorce where the grounds relied upon are those provided for by Section 2117, of the Carroll's 1909 edition of the Kentucky Statutes, in Paragraphs 2 and 3, on page 940, as follows: 'Habitually behaving toward her by the husband, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her, or to destroy permanently her peace or happiness.' "

§ 2. Such cruel beatings or injury, or attempt at injury, of the wife by the husband, as indicates an outrageous temper in him, or probable danger to her life, or great bodily injury from her remaining with him. That either or both of them may in such suit testify, so that said paragraphs when amended shall read as follows: No. 606 Husband and Wife—Exceptions 1. Neither a husband nor his wife shall testify while the marriage exists or afterwards concerning any communication between them during marriage. Nor shall either of them testify against the other. Nor shall either of them testify for the other, except in an action for lost baggage or its value against a common carrier, an innkeeper or a wrongdoer, and in such action either or both of them may testify; and except in actions which might have been brought by or against the wife, if she had been unmarried, and in such actions either, but not both, of them may testify. (And except that when a husband or wife is acting as agent for his or her consort, either of them may testify as to any matter connected with such an agency) and except further in an action for divorce where the grounds re-

lied upon are those provided by Section 2117, of Carroll's 1909 edition of the Kentucky Statutes, and Paragraphs 2 and 3, page 940, as follows: "Habitually behaving toward her by the husband, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her, or to destroy permantly her peace or happiness. Such cruel beating or injury of the wife by the husband, as indicates an outrageous temper in him, or probable danger to her life, or great bodily injury from her remaining with him; that either or both of them may in such suit testify.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Wm. L. Bowling	S. Walton Forgy
Eugene G. Asher	C. W. Burton	John F. Fryer
P. L. Atherton	G. E. Carroll	Allie T. Gaines
George Baker	George P. Chinn	D. Clarence Gray
J. M. Bean	Henry Chunn	T. J. Gregory
Eli Berry	Sidney G. Clay	Elwood Hamilton
A. V. Bertram	W. Frank Cole	V. D. Hammond
Thos. M. Bertram	Sidney J. Collins	A. B. Holland
E. Bishop	W. L. Craig	John W. Holland
H. C. Blades	Francis B. Douglas	James R. Howell
John F. Brewer	G. L. Drury	R. Dillard Hunter
Hiram Brown	Eli Farmer	Earl C. Huntsman
Wallace Brown	John M. Farra	W. J. Jackson

Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
B. J. Matthews
Harry J. Meyers
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
W. F. Parker
J. R. Paxton
W. V. Perry
Marion F. Pogue
W. A. Price
Stanley F. Reed
S. L. Robertson
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
W. Scott Smith
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
Louis B. Tieman
Yeaman Watkins
David W. Wiley
B. S. Wilson
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

J. H. Elder
Joe Hall
John G. Kelley
S. F. Middleton
R. C. McClure
A. W. Palmer
E. B. Wiley

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Resolved that the title theerof be as aforesaid.

Mr. W. V. Perry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 96. An act to repeal an act entitled an act to repeal Section 1136, Chapter 36, Kentucky Statutes, and to substitute therefor and to re-enact Section 1136 of the Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of an act entitled an act to repeal Section 1136, Chapter 36, of the Kentucky Statutes, and to substitute therefor, which was approved March 7, 1910, be and the same is now and hereby repealed.

§ 2. In lieu thereof be it enacted that: The jury by whom an offender is tried shall fix, by their verdict, the punishment to be inflicted within the periods or amount prescribed by law. Persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor; and in cases where the punishment is a fine or imprisonment in the county jail, or both, the imprisonment shall be by close confinement in the jail of the county where the trial was had, unless otherwise provided; and the prisoner shall also be confined in the jail until the fine and costs are paid, unless otherwise provided.

Mr. Price offered the following amendment to said bill, viz.:

Amend by inserting the word "maximum" after the word "the" and before the word "punishment" in line 2 of Section 2.

Said amendment was disagreed to.

Mr. Holland moved to recommit said bill to the Com-

mittee on Criminal Law, and that they have leave to report at any time.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Elkanah Dickey	M. C. Kirk
Eugene G. Asher	Francis B. Douglas	Charles H. Knight
P. L. Atherton	G. L. Drury	William J. Kuh
George Baker	J. H. Elder	James A. Leach
J. M. Bean	Eli Farmer	J. Albert Leach
Eli Berry	John M. Farra	F. A. Lochry
A. V. Bertram	S. Walton Forgy	B. J. Matthews
Thos. M. Bertram	John F. Fryer	Harry J. Meyers
E. Bishop	Allie T. Gaines	S. F. Middleton
H. C. Blades	D. Clarence Gray	R. C. McClure
John F. Brewer	T. J. Gregory	Charles D. McCrea
Hiram Brown	Joe Hall	W. N. McCubbin
Wallace Brown	V. D. Hammond	C. B. Nichols
Wm. L. Bowling	A. B. Holland	L. B. Owen
C. W. Burton	James R. Howell	Luther C. Owings
G. E. Carroll	R. Dillard Hunter	A. W. Palmer
George P. Chinn	Earl C. Huntsman	W. F. Parker
Henry Chunn	W. J. Jackson	J. R. Paxton
W. Frank Cole	Green R. Keller	William A. Perry
Sidney J. Collins	W. E. King	W. V. Perry

Marion F. Pogue	A. H. Stamper	E. B. Wiley
John A. Polin	John G. Stoll	David W. Wiley
S. H. Rogers	C. B. Thompson	B. S. Wilson
Robt. H. Scott	E. B. Thompson	Charles Yancy
W. A. Shawler	D. B. Thurman	Edward L. Young
W. Scott Smith	Louis B. Tieman	—78
Adam Spahn	Yeaman Watkins	

Those who voted in the negative were—

Elwood Hamilton	W. A. Price	Stanley F. Reed
John G. Kelley		

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Resolved that the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of one o'clock p. m. having arrived,

The House took up for consideration the Special Order of the Day for that hour, to-wit:

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenues for the maintenance of said experiment station and for conducting experiments in the various lines of agriculture and to meet the increased demands made upon it as a public institution.

Said bill reads as follows, viz.:

Whereas, The experiments made by the Agricultural

Experiment Station of the State University, known as the Agricultural Experiment Station, on small areas in different sections of the State have shown that a large increase in yield of crops can be made by the proper treatment of our soils, and

Whereas, By like experiments it has been shown that conditions in the State are exceptionally favorable for the production of apples and other horticultural products, and

Whereas, It is known that scientific feeding of our live stock and scientific breeding will greatly develop the resources of the State, and

Whereas, The dairy industry, if it can be built up along scientific lines, will greatly increase the wealth of the State, and

Whereas, Statistics show that fifteen million dollars worth of poultry are raised each year in this State, and it is believed that scientific investigations along this line, together with the dissemination of such knowledge to the people of the State will more than double the product at the same or less expense, and

Whereas, The extension and work of the Station have reached the limit possible with the funds available, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated to the Agricultural Experiment Station of the State University, Lex-

ington, Kentucky, for the current fiscal year and for each succeeding year thereafter, the following sums of money: Twenty thousand dollars ($20,000.00) for the purpose of making field experiments in the several sections of the State in order to ascertain by chemical and physical examination of our soils and by direct experiments in laboratory and fields what crops and treatment are best suited to each, whether the present methods are tending to best results and whether to the preservation or reduction of fertility, and what rotation and treatment will be most effective in retaining productive capacities of the soils of the various sections of the State; ten thousand dollars ($10,000.00) to discover and demonstrate the best methods of orchard treatment, the culture and marketing of fruits and vegetables and the most effective remedies for insects and diseases of fruits and vegetables, and to make a systematic study of plant breeding and development by means of crossing and selection of new and improved varieties of fruits and vegetables; ten thousand dollars ($10,000.00) to enable said Station to conduct investigations calculated to develop the beef, pork and mutton producing interests of the State, and especially to devise and conduct feeding experiments intended to demonstrate the most successful combination of stock foods, and to discover, if possible, the most economical and successful methods of maintaining animals and fitting them for the market, for pathological investigations, and to investigate live stock conditions both at home and abroad, in so far as they affect market values; ten thousand dollars ($10,000.00) to enable the said Station to conduct investigations for the purpose of developing the dairy interests of the State, and including feeding experiments for production of milk and butter, and the rearing of calves, and the study of contagious diseases for the purpose of finding remedies therefor; ten thousand

dollars ($10,000.00) to enable the said Station to conduct investigations for the purpose of developing the horse interests of the State, including the best methods of feeding and breeding, the study of diseases, and thorough scientific investigations for the benefit of the horse industry of the State; ten thousand dollars ($10,000.00) for the advancement of the poultry interests of the State, including experiments in breeding for egg production and methods best adapted for hatching and raising of chicks and feeding experiments and other investigations tending to the economical production of poultry and eggs; fifteen thousand dollars ($15,000.00) for providing the necessary equipment and paying the expenses of the extension work of said Experiment Station in order to bring the scientific knowledge already obtained, and that hereafter obtained, in the lines of agriculture and home economies, direct to the farm and home, by means of personal visitation, correspondence, cooperative demonstrations and experiments and the solution of local problems by Station experts visiting the locality and studying the problems on the farm; ten thousand dollars ($10,000.00) towards the maintenance of said Station.

§ 2. The sums appropriated under this act are to be payable quarterly to the Treasurer of said Experiment Station out of moneys in the Treasury of the Commonwealth of Kentucky, and the Auditor for the payment of same is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts, yearly, an itemized statement of the money expended under this act.

Whereas, It is of the utmost importance that experiments in the various lines should be undertaken during the

coming spring, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

Mr. Pogue moved that the session of today be extended indefinitely.

Said motion was agreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it, was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Robert H. Akin	George P. Chinn	Joe Hall
Eugene G. Asher	Henry Chunn	Elwood Hamilton
P. L. Atherton	Sidney G. Clay	V. D. Hammond
George Baker	W. Frank Cole	L. B. Herrington
J. M. Bean	Sidney J. Collins	A. B. Holland
Eli Berry	W. L. Craig	John W. Holland
A. V. Bertram	Elkanah Dickey	James R. Howell
Thos. M. Bertram	Francis B. Douglas	R. Dillard Hunter
E. Bishop	G. L. Drury	Earl C. Huntsman
H. C. Blades	J. H. Elder	W. J. Jackson
John F. Brewer	Eli Farmer	Green R. Keller
Hiram Brown	John M. Farra	John G. Kelley
Wallace Brown	S. Walton Forgy	M. C. Kirk
Wm. L. Bowling	John F. Fryer	Charles H. Knight
C. W. Burton	Allie T. Gaines	William J. Kuh
G. E. Carroll	T. J. Gregory	James A. Leach

J. Albert Leach	William A. Perry	A. H. Stamper
F. A. Lochry	W. V. Perry	John G. Stoll
B. J. Matthews	Marion F. Pogue	C. B. Thompson
Harry J. Meyers	John A. Polin	E. B. Thompson
S. F. Middleton	W. A. Price	D. B. Thurman
R. C. McClure	Stanley F. Reed	Yeaman Watkins
W. N. McCubbin	S. L. Robertson	E. B. Wiley
C. B. Nichols	H. A. Schoberth	David W. Wiley
L. B. Owen	Robt. H. Scott	J. H. Williams
Luther C. Owings	W. A. Shawler	B. S. Wilson
A. W. Palmer	W. Scott Smith	
W. F. Parker	Adam Spahn	

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Those who voted in the negative were—

D. Clarence Gray J. R. Paxton

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Resolved that the title thereof be as arofesaid.

Mr. H. J. Meyers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By unanimous consent the following bill was introduced and referred to the Committee on Revenue and Taxation.

By Mr. Keller:

H. B. 432. An act to amend Section 4224 of Subdivision 4, Chapter 108, Kentucky Statutes, Carroll's edition 1909.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Howell of the Committee on Insurance—Fire and Marine:

S. B. 21. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate and control the rates of premium thereon and creating a State Insurance Board and defining the powers and duties of said board.

With an amendment thereto.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 317. An act to prohibit the use of either the word "bank" or "trust" as a part of any name or title or in advertisement by any person, firm, association or corporation excepting by such corporations as are authorized under and comply with the laws relating to a bank or trust company and providing a penalty for the violation thereof.

By Mr. Berry of the Committee on Public Utilities:

H. B. 70. An act to regulate by a Public Utilities Commission telephone, telegraph and express companies.

With an amendment thereto by way of substitute therefor.

By Mr. Carroll of the Committee on County and City Courts:

H. B. 191. An act to amend Section 1 and Section 7 of an act entitled an act creating and regulating the office of County Treasurer, Session Acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act which

was approved February 27, 1893, and the amendment to said act which became a law March 26, 1904.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. H. J. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House, in accordance with a resolution heretofore introduced by Mr. Forgy and adopted by the House, adjourned.

WEDNESDAY, FEBRUARY 7, 1912.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church, Southern Assembly, of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The Speaker laid before the House the following communication.

Frankfort, Ky., Feb. 7, 1912.

Sir:

The Directing Officers of the Panama-Pacific Exposition, which will be held in San Francisco, in 1915, to celebrate

the opening of the Panama Canal, are asking the Legislatures of the several States, to make an appropriation for the State Buildings in which their natural and other resources may be exhibited and to serve also as a social rendezvous for those of their citizens who may visit the Exposition. Twenty-four State Legislatures have already acted affirmatively and it is believed that all will take like action at this session or next. It is hoped that the Kentucky Legislature will appropriate whatever sum may, in its judgment be necessary for the erection of a Kentucky Building.

If the Legislature is unwilling at this session to make the full appropriation ($75,000 was appropriated for the St. Louis Exposition) it might follow the example of other states and appropriate $5,000, for the salary and expenses of a Commissioner to visit San Francisco, to select a site and returning to Kentucky, travel about the State conferring with the Boards of Supervisors, and other county officials regarding the character of the exhibits and solicit donations of money to be expended in embellishing the building and in other ways adding to its attractiveness.

If an appropriation of $5,000, were made at this session it would give the work a great impetus; enable the State to select a suitable site and have sufficient time remaining for the erection of the building, and the assembling of the exhibits out of an appropriation to be made in the winter of 1914.

Very truly yours
JULES GUTHRIDGE.

To the Speaker of the House of Representatives,

Frankfort, Kentucky.

Which was read and ordered to be referred to the Committee on Appropriations.

The petitions of sundry citizens of Garrard, Bourban, Rowan, Crittenden and Caldwell counties were presented by Messrs. Farra, Clay, Wilson, Pogue and Akin respectively asking the enactment of a law permitting the use of school houses for farmers' organizations.

Which were received, their reading dispensed with and referred to the Committee on Agriculture.

The following petitions were presented, viz.:

By Mr. T. M. Bertram:

1. Petition of sundry citizens of Lewis County protesting against the passage of H. B. 167, relating to the catching of mussel shells in the Ohio River.

By Mr. Reed:

2. Petition of sundry citizens of Mason County protesting against the passage of the bill above referred to.

By Mr. Akin:

3. Petition of sundry citizens of Caldwell County protesting against the repeal of an act imposing a tax upon dogs.

By Mr. W. V. Perry:

4. Petition of sundry citizens of Logan County protesting against the repeal of a law known as the Vital Statistics Law.

By Mr. Parker:

5. Petition of sundry citizens of Whitley County asking for the enactment of a law creating the County of McCreary.

Which were severally received their reading dispensed with and referred,

1 and 2. To Committee on Public Utilities.

3. To Committee on Agriculture.

4. To Committee on Public Health.

5. To Committee on Judiciary.

The hour of 11 o'clock having arrived,

The House took up for consideration the Special Order of the Day for that hour to-wit: a bill entitled,

H. B. 43. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

Mr. Hamilton moved that the further consideration of said bill be postponed and that same be made the Special Order for Tuesday, the 13th, at 11:30 o'clock.

Said motion was agreed to.

Mr. Holland offered the following resolution, viz.:

Whereas, there is now pending before the General Assembly of this Commonwealth House bills Nos. 63, 64, 171 and 199 relating to the subject of Good Roads and providing for a direct tax of five cents on each $100 worth of property taxable in this Commonwealth to aid in the building of public roads,

And whereas, the Constitutional Amendment heretofore adopted provided as follows:

Section 1, Chapter 36, Acts of 1908.

The credit of the Commonwealth may be given, pledged or loaned to any county of the Commonwealth for Public Road purposes and any county may be permitted to incur an indebtness in any amount fixed by the county not in excess of five per cent of the value of the taxable property therein for public road purposes in said county; provided, said additional indebtedness is submitted to the voters of the county for their ratification or rejection at a special election held for said purpose in such manner as may be provided by law, and when any such indebtedness is incurred by any county, said county may levy in addition to the tax rate allowed under Section 157 of the Constitution of Kentucky an amount not exceeding twenty cents on the $100 of the assessed valuation of the said county for the purpose of paying the interest on said indebtedness and providing a sinking fund for the payment of said indebtedness.

And whereas, there is some doubt as to whether or not the levy and collection of said proposed tax would be constitutional,

Therefore, be it resolved by the House of Representatives, that the Attorney General of this Commonwealth be requested to advise this House whether or not, in his opinion, such proposed tax would be constitutional.

The Clerk of this House will certify to the Attorney General a copy of this resolution.

Said resolution was adopted.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Thurman of the Committee on Criminal Law:

H. B. 369. An act to make it a penitentiary offense to steal a skiff.

By same:

H. B. 306. An act to regulate trusts, corporations and combines and making the violation of the law a felony and prescribing the penalty therefor.

By Mr. Collins of the Committee on Charitable Institutions:

H. B. 371. An act to amend Section 273a, Carroll's edition of 1909, Kentucky Statutes, giving to the Kentucky School for the Deaf, located at Danville, Kentucky, an educational qualification.

By Mr. Pogue of the Committee on Education No. 1.

H. B. 334. An act for the relief of Sub-school districts relating to the liquidation and payment of old debts.

By same:

H. B. 145. An act to amend Chapter 56, Section 2, Acts of 1908, entitled "An act for the government and regulation of the common schools of the State," approved March 24, 1908.

By same:

H. B. 184. An act to repeal and re-enact Sub-section 8,

of Section 4426a Kentucky Statutes (Carroll's edition 1909) in regard to the County High School.

By Mr. Gray of the Committee on Forestry:

H. B. 101. An act to designate a State Flower and a State Tree.

By Mr. Reed of the Committee on Constitutional Amendments:

H. B. 36. An act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges.

By Mr. Keller of the Committee on Tuberculosis:

H. B. 344. An act to amend an act entitled "An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

By Mr. Hamilton of the Committee on State Prisons and Houses of Reform:

H. B. 250. An act to authorize the auditing and provide for the payment of the deficit occassioned by the Houses of Reform.

Said bills were severally read the first time at length and ordered to placed on the Calendar.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 192. An act to amend and re-enact Sections 12,

13, 14, 17, 18, 19, 20 and 26 of an act entitled: An act concerning conveyances, approved April 22, 1893, and being Sections 501, 502, 503, 506, 507, 508, 514, Chapter 29, of Kentucky Statutes compiled by John D. Carroll, and issued in 1909, and to amend and re-enact an act entitled "An act to cure certain defective certificates of proof deeds, and to make copies from the records prima facie evidence in the courts, and tribunals of this State, approved March 24, 1902, and being Section 519a of said Statute and approved March 23, 1910.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

And so said bill was rejected.

The hour of 11:45 o'clock a. m. having arrived,

The House took up for consideration the Special Order of the Day for that hour to-wit: a bill entitled,

H. B. 76. An act establishing and governing the Geological Survey of Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky.

And the motion heretofore entered by Mr. W. A. Perry to reconsider the vote by which said bill failed to pass.

(For said bill see House Journal, February 1.)

Said motion to reconsider was agreed to.

Mr. Herrington moved that the vote by which said bill was ordered to be read the third time be reconsidered.

Said motion was agreed to.

Mr. Herrington moved that the vote by which the substitute as offered by the Committee on Geological Survey was adopted be reconsidered.

Said motion was agreed to.

Mr. Herrington offered the following amendment to said substitute, viz.:

Amend by striking from Section 1, the following words; "and the State Museum" and substituting therefor the words "excepting the State Museum." And by striking from the last paragraph of Section 4, the following words, "to cause to be preserved in a museum in Frankfort the above mentioned specimens, exhibits and natural resources of the State." and substituting therefor the following, "to cause specimens of the above named exhibits of the natural resources of the State to be preserved in the Museum at the State University, at Lexington, Kentucky."

Said amendment was agreed to.

Said substitute as amended was then adopted.

Ordered that said bill as amended by the substitute be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Robert H. Akin	John F. Fryer	Luther C. Owings
Eugene G. Asher	Elwood Hamilton	A. W. Palmer
George Baker	V. D. Hammond	W. F. Parker
J. M. Bean	L. B. Herrington	J. R. Paxton
Eli Berry	A. B. Holland	William A. Perry
A. V. Bertram	John W. Holland	W. V. Perry
Thos. M. Bertram	James R. Howell	Marion F. Pogue
E. Bishop	R. Dillard Hunter	John A. Polin
H. C. Blades	Green R. Keller	W. A. Price
John F. Brewer	W. E. King	Stanley F. Reed
Hiram Brown	M. C. Kirk	S. L. Robertson
Wallace Brown	Charles H. Knight	H. A. Schoberth
Wm. L. Bowling	William J. Kuh	Robt. H. Scott
C. W. Burton	James A. Leach	W. A. Shawler
G. E. Carroll	J. Albert Leach	A. H. Stamper
George P. Chinn	F. A. Lochry	C. B. Thompson
Sidney G. Clay	Hugh Mahin	E. B. Thompson
W. Frank Cole	B. J. Matthews	D. B. Thurman
Sidney J. Collins	Harry J. Meyers	Louis B. Tieman
W. L. Craig	S. F. Middleton	E. B. Wiley
Elkanah Dickey	R. C. McClure	B. S. Wilson
G. L. Drury	Charles D. McCrea	Charles Yancy
J. H. Elder	W. N. McCubbin	Edward L. Young
John M. Farra	C. B. Nichols	Speaker Terrell
S. Walton Forgy	Ben E. Niles	—74

Those who voted in the negative were—

Henry Chunn	John G. Kelley	Henry Thomas
D. Clarence Gray	L. B. Owen	Yeaman Watkins
T. J. Gregory	W. Scott Smith	David W. Wiley
Joe Hall	John G. Stoll	J. H. Williams
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Resolved that the title thereof be as aforesaid.

Mr. Charlton B. Thompson of the Committee on Judiciary which had originated the same reported a bill entitled,

H. B. 433. An act to regulate the admission of attorneys to practice law in this Commonwealth.

Said bill was read the first time at length, ordered to be printed and placed on the Calendar.

A message was received from the Senate announcing that they had passed a bill entitled,

S. B. 30. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

Said bill was ordered to be printed and referred to the Committee on State Prisons and Houses of Reform.

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 21. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate the rates of premiums thereon and creating a State Insurance Board and defining the powers and duties of said Board.

H. B. 317. An act to prohibit the use of either the word "bank" or "trust" as a part of any name or title or in advertisement by any person, firm, association or corporation, excepting by such corporations as are authorized under and comply with the laws relating to a bank or trust company and providing a penalty for the violation hereof.

H. B. 70. An act to regulate by Public Utilities Commission telephone, telegraph and express companies.

H. B. 191. An act to amend Section 1 and Section 7, of an act entitled, An act creating and regulating the office of County Treasurer, Session acts 1891-2-3, which became a law February 27, 1893, and the amendment to said Act which was approved February 27, 1893, and the amendment to said Act which became a law March 26, 1904.

Mr. Kirk moved that the rules be suspended and that the House take from the Orders of the Day a bill entitled,

H. B. 179. An act to provide for the safe investment, of the capital, funds, surplus and accumulation of all life insurance companies created by the laws of this State.

And that said bills be recommitted to the Committee on Insurance—Life and Accident.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 14. An act to amend An act entitled, Crimes and Punishment, which became a law on 10th day of April, 1893.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1306 of Subdivision 7, Article 4, of

Chapter 36 of the Kentucky Statutes, entitled, "Crimes and Punishments," which became a law on April 10, 1893, be and the same is hereby amended and re-enacted, as follows, to-wit: By adding to said section the following words: "Provided, that it shall be unlawful for any person under the age of twenty-one years, except he is accompanied by his father, or guardian, to enter any saloon, room, or place, or premises, where the business of a retail liquor dealer is carried on, for the purpose of drinking therein, or on the premises of said dealer, spirituous, vinous or malt liquors, or any mixture thereof as a beverage, or for the purpose of directly or indirectly purchasing or otherwise procuring or obtaining spirituous, vinous or malt liquors or any mixture thereof to be drunk as a beverage, without the special written direction so to do, specifying the person by name and the quantity, from the father, mother or guardian, of said infant. Any person violating any provision of this act shall be fined fifty dollars." So that said section as amended and re-enacted will read as follows:

"Section 1306. Selling, Giving, or Furnishing Liquor to a Minor:

"Any person who shall sell, lend or give, procure for, or furnish vinous, spirituous or malt liquor, or any mixture of either to a person under twenty-one years of age, other than his own children, without the special written direction to do so, specifying the person by name and the quantity, from the father, mother or guardian of such infant, shall be fined fifty dollars, Provided, That it shall be unlawful for any person under the age of twenty-one years, except he is accompanied by his father or guardian, to enter any saloon, room, or place or premises, where the business of a retail liquor dealer is carried on, for the purpose of drinking therein, or on the premises of said dealer, spirituous, vinous or

malt liquors, or any mixture thereof as a beverage, or for the purpose of directly or indirectly purchasing or other wise procuring or obtaining spirituous, vinous or malt liquors, or any mixture thereof to be drunk as a beverage, without the special written direction to do so, specifying the person by name and the quantity, from the father, mother or guardian of said infant, and any person violating any provision of this act shall be fined fifty dollars."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Francis B. Douglas	John G. Kelley
Eugene G. Asher	G. L. Drury	W. E. King
P. L. Atherton	J. H. Elder	Charles H. Knight
George Baker	Eli Farmer	William J. Kuh
J. M. Bean	John M. Farra	James A. Leach
Eli Berry	S. Walton Forgy	J. Albert Leach
E. Bishop	D. Clarence Gray	F. A. Lochry
H. C. Blades	T. J. Gregory	B. J. Matthews
John F. Brewer	Joe Hall	Harry J. Meyers
Hiram Brown	Elwood Hamilton	S. F. Middleton
Wallace Brown	V. D. Hammond	R. C. McClure
Wm. L. Bowling	L. B. Herrington	Charles D. McCrea
C. W. Burton	A. B. Holland	W. N. McCubbin
G. E. Carroll	John W. Holland	Ben E. Niles
George P. Chinn	James R. Howell	L. B. Owen
Henry Chunn	R. Dillard Hunter	Luther C. Owings
W. Frank Cole	W. J. Jackson	A. W. Palmer
Elkanah Dickey	Green R. Keller	W. F. Parker

J. R. Paxton	S. H. Rogers	D. B. Thurman
William A. Perry	H. A. Schoberth	Louis B. Tieman
W. V. Perry	Robt. H. Scott	Yeaman Watkins
Marion F. Pogue	W. A. Shawler	David W. Wiley
John A. Polin	W. Scott Smith	J. H. Williams
W. A. Price	A. H. Stamper	B. S. Wilson
Stanley F. Reed	John G. Stoll	Charles Yancy
S. L. Robertson	C. B. Thompson	Edward L. Young

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Resolved that the title thereof be as aforesaid.

Mr. Berry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 103. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909 (Act of March 24, 1908, p. 133), Districts, Trustees, Teachers, Taxation.

Said bill reads as follows, viz.:

'Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 113, Article 6a, Section 4426a, Subsection 2, Carroll's Kentucky Statutes, be amended as follows: That the last clause in the sentence next to the last sentence of said Subsection, reading "Nor in any case, fewer than forty such children," be stricken out and the following be inserted in its place: "Nor in any case fewer than twenty-

five such children, subject to the approval of the State Board of Education," making this portion of said Subsection read as follows, when amended: "The boundaries of any such school subdistrict as above fixed, shall include all children, both white and colored, residing in said subdistrict and said subdistrict shall not include, except in cases of emergency, fewer than fifty white children of school age, nor in any case, fewer than twenty-five such children, subject to the approval of the State Board of Education."

§ 2. That Chapter 113, Article 6a, Section 4426a, Subsection 3, be amended as follows: That all the words of paragraphs 3 and 4 of said subsection, reading as follows: "All elections for school trustees shall be by ballot. Said ballot shall contain no emblem or device of any kind," etc., to the end of this subsection, be stricken out and the following words inserted in place of these two paragraphs; "All elections for school trustees shall be by viva voce vote. The officers of the election shall be two judges and a clerk, who shall be residents of the subdistrict and legal voters and shall be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act and shall certify the returns of the election to the County Superintendent of schools within five days after said election."

§ 3. That Chapter 113, Article 6a, Section 4426a, Subsection 4 and Paragraph 3, of said subsection, Carroll's Kentucky Statutes, 1909, be amended as follows: That the words "By the division of the educational division of which said subdistrict is a part" be stricken out, and that the words "By the County Board of Education" be substituted therefor, so that said paragraph when so amended may read as follows: "Any vacancy that may exist in the trusteeship

of any school subdistrict, shall be filled by an election by the County Board of Education."

§ 4. That Chapter 113, Article 6a, Section 4426a, Subsection 5, of Carroll's Kentucky Statutes, 1909, be amended by adding the following paragraph onto said subsection: "He shall make a complete census of all illiterate children of school age, with the names of their parents or guardians, with their postoffice address; also the names of all children of school age who have completed the common school course, together with their ages. He shall make a census of the names of the children who are attending school outside of the district in which they reside. This census and these reports must be made by the subdistrict trustees at the time now provided by law for taking the school census. The county superintendent of schools in each county shall make a complete report of said census to the Sate superintendent of public instruction, whose duty it shall be to have printed annually and distributed a report of same, giving the number of children in each school district, and stating the number who are illiterate and, in addition, the number who have completed the common school course, together with the number who are attending schools outside of the district in which they reside," so that said subsection, when amended, shall read as follows: "It shall be the duty of the trustee in each school subdistrict to personally supervise the school or schools in his subdistrict and to report the needs thereof to the division board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interests of said school or schools. All such reports and recommendations should be in writing. The division board shall refer such reports to the county board with its recommendations on same. The trustee of each school subdistrict shall in the month of April of each year, make and return to the county superintendent, a com-

plete census of the children of school age residing in his district, and for the performance of all of his duties he shall be allowed and paid the sum of five cents per pupil child reported in such census. He shall make a complete census of all illiterate children of school age, with the names of their parents or guardians, with their postoffice address; also the names of all children of school age who have completed the common school course, together with their ages. He shall make a census of the names of the children who are attending school outside of the district in which they reside. This census and these reports must be made by the subdistrict trustee at the time now provided by law for taking the school census. The county superintendent of schools in each county shall make a complete report of said census to the State superintendent of public instruction, whose duty it shall be to have printed annually and distributed, a report of same, giving the number of children in each school district and stating the number who are illiterate and, in addition, the number who have completed the common school course, together with the number who are attending schools outside of the district in which they reside."

§ 5. That Chapter 113, Article 6a, Section 4426a, Subsection 6, Carroll's Kentucky Statutes, 1909, be amended as follows: That the first portion of said subsection reading "It shall be the duty of the division board of trustees, in each educational division to elect one or more teachers for each school in such educational division except as hereinafter provided. The majority of the members of such division board shall be necessary for the election of any teacher for service in any subdistrict. All applications for positions in said schools shall be filed with the secretary of the division board of educational division in which a school position is sought. The division board in each educational division shall meet for the consideration of applications and

the election of teachers, on the last Saturday in June, following the election of trustees and the organization of the board under this act, and shall meet for the said purpose on the last Saturday in June of each year thereafter'' be stricken out, and the following be inserted in its stead: ''It shall be the duty of the subdistrict trustee to nominate and recommend in writing to the division board, one or more teachers for each school in his subdistrict, and with said nomination and recommendations he shall convey the teacher's credentials and any objection, remonstrances or petitions that may be offered, in writing, to the election of said teacher or teachers, and the board shall elect for each subdistrict a teacher or teachers nominated by the trustee thereof, when such teacher possesses the necessary qualifications and no reasonable objection is offered.

''Should the division board reject any nomination or should any trustee fail to nominate a teacher for his subdistrict, the chairman of the division board shall immediately notify such subdistrict trustee and request further nominations. The division board in each educational division shall meet for the consideration of applications and the election of teachers on the first Saturday in June of each year.''

§ 6. That Chapter 113, Article 6a, Section 4426a, Subsection 8, Carroll's Kentucky Statutes, 1909, be amended as follows: That the sentence in said subsection reading ''Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, course of study, payment of the expenses of the school and the control and discipline of the pupils,'' be amended so as to read as follows: ''Said contract shall be in writing and shall contain full and complete stipulations as to employment and compen-

sation of teachers, course of study, payment of expenses of the school and the control and discipline of the pupils, provided that the total expense of conducting said high school, including estimate of the interest at six per cent per anum on all investments in buildings, grounds, and equipment, shall be prorated between the two boards of education in proportion to the enrollment respectively of county pupils and pupils residing in said town, city or graded school district, for the term of the first half of the session and likewise for the term of the second half of the school session, the entire school session being in no case less then eight school months."

§ 7. That Chapter 113, Article 6a, Section 4426a, Subsection 11, Carroll's Kentucky Statutes, 1909, be amended by adding to Subsection 11, at the end of said subsection, the following paragraph:

"The County Board of Education is hereby empowered to assume the indebtedness of any common school subdistrict contracted prior to the passage of the Act of 1908 creating said county board of education, and order same paid out of the county school tax levy."

§ 8. That Chapter 113, Article 6a, Section 4426a, Carroll's Kentucky Statutes, 1909, be amended by adding the following subsection, which shall be numbered Subsection 18, and the present Subsection 18, called "Repealing Clause," shall be numbered Subsection 19. This new Subsection 18 shall be as follows: "With the concurrence of the county boards, the county superintendents of two or more adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a subdistrict composed of parts of these counties. The selection and payment of teachers and control of such subdistricts

shall be lodged in the county board of the county in which the school building is located, but the county board of the other contracting county or counties, shall pay such proportion of the total expense of conducting said school as may be mutually satisfactory and stated in a written contract, which contract shall also sate difinitely the boundaries of such fractional subdistrict. Said contract shall be spread upon the minutes of each board and duplicate copies signed by the president and secretary of each board, shall be filed in the office of the county clerk of each of the contracting counties.

"In the subdistrict thus constituted, one trustee who may reside in either fraction, shall be elected from the sub-district at large, but said trustee shall be deemed a resident of the educational division of the controlling county as hereinbefore provided. The duties of the trustee of such fractional subdistrict shall be the same as those of other subdistrict trustees, save that in making a census of the children of school age residing in the subdistrict, he shall list the children of the two or more counties separately, and make returns separately to each county superintendent of the children residing in the respective counties."

Mr. Pogue offered the following amendment to said bill by way of substitute therefor.

SUBSTITUTE FOR HOUSE BILL No. 103.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 113, Article 6a Section 4426a, subsection 2, Carroll's Kentucky Statutes, be amended as follows:

That the last clause in the sentence next to the last sentence of said subsection, reading "Nor in any case, fewer than forty such children," be stricken out and the following be inserted in its place: "Nor in any case fewer then twenty-five such children, subject to the apporval of the State Board of Education, so that when said section is amended and re-enacted it will read as follows:

"That within thirty days after this act goes into effect the County Superintendent of schools, the County Judge and the County Attorney in each county of the Commonwealth shall meet at the courthouse of their respective counties, upon the call of the County Superintendent of schools, and shall divide each county school district, as provided in section 1, into educational divisions containing as nearly as possible an equal number of children of school age, including both white and colored children, as shown by the last census of school children, and in each county the said officers may make, as may seem expedient, either four six or eight of such educational divisions, and in fixing the boundaries of said educational divisions they shall be made to follow, as nearly as practicable, the boundaries of existing school districts for white children. They shall have the power to change the boundaries of educational divisions whenever such change bcomes necessary. The County Judge, County Superintendent of Schools and County Attorney shall then subdivide each of the said educational divisions into school subdistricts, following as nearly as practicable the boundaries of existing school district for white children. Provided, that any graded common school district that may exist in any educational division or that may hereafter be established according to law, whether operating under special charter or established by popular vote, as provided for in the laws relating to the graded common schools, and school districts now operating within muncipal districts established

and corporated under special charter and supplementing the State school fund by local tax of not less than twenty cents on each hundred dollars of assessed valuation of property, shall retain their present boundaries and be exempt from the provisions of this act. The provisions of this act shall not apply to any graded school district created by special act and having a school fund other than that provided by general law. The boundaries of any such school subdistrict as above fixed, shall include all children, both white and colored, residing in said subdistrict, and said subdistrict shall not include, except in cases of emergency fewer than fifty white children of school age, or in any case fewer than twenty-five such children subject to the approval of the State Board of Education. No subdistrict shall be apportioned their per capita of the State fund on fewer then fifty white pupil children, nor shall any subdistrict be apportioned the per capita on more than one hundred white pupil children for the payment of one teacher."

§ 2. That Chapter 113, Article 6a, Section 4426a, Subsection 3, be amended as follows: That all the words of Paragraphs 3 and 4 of said subsection, reading as follows, "All elections for school trustees shall be by ballot. Said ballot shall contain no emblem or device of any kind," etc., to the end of this subsection be stricken out and the following words inserted in palce of these two paragraphs: "All elections for school trustee shall be by viva voce vote. The officers of the election shall be two judges and a clerk, who shall be residents of the subdistrict and legal voters and shall be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act and shall certify the returns of the election to the County Superintendent of Schools within five days after said election," making said subsection when amended and re-enacted read as follows:

"On the first Saturday in August after the passage of this act an election shall be held at the school building in each school subdistrict in this Commonwealth from the hours of 1 until 5 o'clock in the afternoon for the purpose of electing one trustee for each school subdistrict as fixed by section 2 of this act. The trustees then elected shall hold their offices one-half for one year and one-half for two years, as shall be determined by lot at the first meeting of the division board as provided for in Section 4 of this act. Each year thereafter there shall be elected for two years one trustee in each subdistrict in which the term of his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

"Any person shall be eligible to this office of school trustee who is over twenty-one years of age, and who has been a resident of the subdistrict for which he is elected for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the subdistrict, and all male persons over twenty-one years, of age who shall have resided in a school subdivision for sixty days next before an election shall have the right to vote at such elections.

"All elections for school trustees shall be by viva voce vote. The officers of the election shall be two judges and a clerk, who shall be residents of the subdistricts and legal voters and shall be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act and shall certify the returns of the election to the County Superintendent of Schools within five days after said election."

§ 3. That Chapter 113, Article 6a, Section 4426a, Sub-

section 4, and Paragraph 3, of said subsection, Carroll's Kentucky Statutes, 1909, be amended as follows: That the words "By the division of the educational division of which said subdistrict is a part," be stricken out and that the words "By the County Board of Education," be substituted therefor so that said section when so amended and re-enacted will read as follows:

"The County Superintendent of Schools shall meet the trustees so elected from the various school subdistricts of each educational division at some point to be designated by him within such educational division within thirty days after the date of their election, proper notice having been given in writing to each trustee as to the time and place of such meeting for the purpose of organizing the trustees so elected into a division board of school trustees by choosing one of said trustees to be chairman and one to be secretary of said division board.

"The County Superintendent of Schools shall be a member of such division board of his county, but shall only vote upon any matter in case of a tie vote, and then he shall cast the deciding vote.

"Any vacancy that may exist in the trusteeship of any school subdistrict shall be filled by appointment by the County Board of Education and to them petition may be made by the voters of the subdistrict.

"Should the office of Chairman of a division board become vacant the County Superintendent, as soon as the election has been held to elect a subdistrict trustee as above provided, shall call a meeting of said division board and shall then proceed to elect another chairman, and until a chairman

is so elected, such division board may choose one of its members as a temporary chairman."

§ 4. That Chapter 113, Article 6a, Section 4426a, Subsection 5, of Carroll's Kentucky Statutes, 1909, be amended by adding the following paragraph on to subsection: "He shall make a complete census of all illiterate children of school age, with the names of their parents or guardians, with their postoffice address; also the names of all children of school age who have completed the common school course, together with their ages. He shall make a census of the names of the children who are attending school outside of the district in which they reside. This census and these reports must be made by the subdistrict trustee at the time now provided by law for taking the school census. The County Superintendent of schools in each county shall make a complete report of said census to the State Superintendent of Public Instruction, whose duty it shall be to have printed annually and distributed a report of same, giving the number of children in each school district, and stating the number who are illiterate and, in addition, the number who have completed the common school course, together with the number who are attending schools outside of the district in which they reside" so that said subsection, when amended and re-enacted shall read as follows:

"It shall be the duty of the trustee in each school subdistrict to personally supervise the school or schools in his subdistrict, and to report the needs thereof to the division board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interests of said school or schools. All such reports and recommendations shall be in writing. The division board shall refer such reports to the county board with its recommendations on same.

The trustee of each school subdistrict shall in the month of April of each year, make and return to the County Superintendent a complete census of the children of school age residing in his district, and for the performance of all his duties he shall be allowed and paid the sum of five cents per pupil child reported in such census. He shall make a complete census of all illiterate children of school age, with the names of their parents or guardians, with their post-office address; also the names of all children of school age who have completed the common school course together with their ages. He shall make a census of the names of the children who are attending school outside of the district in which they reside. This census and these reports must be made by the subdistrict trustee at the time now provided by law for taking the school census. The County Superintendent of Schools in each county shall make a complete report of said census to the State Superintendent of Public Instruction, whose duty it shall be to have printed annually and distributed a report of same, giving the number of children in each school district and stating the number who are illiterate and, in addition, the number who have completed the common school course, together with the number who are attending schools outside of the district in which they reside."

§ 5. That Chapter 113, Article 6a, Section 4426a, Subsection 6, Carroll's Kentucky Statutes, 1909, be amended as follows: That the first portion of said subsection reading, "It shall be the duty of the division board of trustees, in each educational division, to elect one or more teachers for each school in such educational division except as hereinafter provided. The majority of the members of such division board shall be necessary for the election of any teacher for service in any subdistrict. All applications for positions in said schools shall be filed with the secretary of the

division board of the Educational Division in which a school position is sought. The division board in each educational division shall meet for the consideration of applications and the election of teachers, on the last Saturday in June, following the election of trustees and the organization of the board under this act, and shall meet for the said purposes on the last Saturday in June of each year thereafter," be stricken out and the following inserted in its stead: "It shall be the duty of the subdistrict trustee to nominate and recommend in writing to the division board, one or more teachers for each school in his subdistrict, and with said nomination and recommendation he shall convey the teacher's credentials and any objections, remonstrances or petitions that may be offered in writing, to the election of said teacher or teachers, and the board shall elect for each subdistrict a teacher or teachers nominated by the trustees thereof when such teacher possesses the necessary qualifications and no reasonable objection is offered.

"Should the division board reject any nomination or should any trustee fail to nominate a teacher for his subdistrict, the chairman of the division board shall immediately notify such subdistrict trustee and request further nominations. The division board in each educational division shall meet for the consideration of applications and the election of teachers on the first Saturday in June of each year," so that said subsection when amended and re-enacted shall read as follows:

"It shall be the duty of the subdistrict trustee to nominate and recommend in writing to the division board, one or more teachers for each school in his subdistrict, and with said nomination and recommendation he shall convey the teacher's credentials and any objections, remonstrances or petitions that may be offered, in writing, to the election of

said teacher or teachers, and the board shall elect for each subdistrict a teacher or teachers nominated by the trustee thereof, when such teacher possesses the necessary qualifications and no reasonable objection is offered.

"Should the division board reject any nomination or should any trustee fail to nominate for his subdistrict, the chairman of the division board shall immediately notify such subdistrict trustee and request further nominations. The division board in each educational division shall meet for the consideration of applications and the election of teachers, on the first Saturday of June of each year.

"Qualifications of teachers shall be determined as provided by law. Said educational division board may meet on the last Saturday of July and August in each year for the purpose of filling any vacancy which may exist. Said division board may meet at such other times as the chairman may designate.

"Teachers shall be elected for one school year, but may be removed by the division board of the educational division in which they are employed, at any time, subject to the approval of the county superintendent, for incompetency, neglect of duty or immoral conduct.

"Contracts for the service of all teachers shall be in writing, signed in duplicate by the teacher and by the chairman and secretary of the division board of the division in which the teacher is employed. Upon organization of said board, one of the members shall be chosen as secretary, who shall keep a correct record of all proceedings, which shall be a public record.

§ 6. That Chapter 113, Article 6a, Section 4426a, Subsection 8, Carroll's Kentucky Statutes, 1909, be amended as follows: That the sentence in said subsection reading "Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, courses of study, payment of the expenses of the school and the control and discipline of the pupils," be amended so as to read as follows: "Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, course of study, payment of expenses of the school and the control and discipline of pupils, provided that the total expense of conducting said high school, including estimate of the interest at six per cent per annum on all investments in buildings, grounds and equipment, shall be prorated between the two boards of education in proportion to the enrollment respectively of county pupils and pupils residing in said town, city or graded school district, for the term of the first half of the session and likewise for the term of the second half of the school session, the entire school session being in no case less than eight school months. Provided, however, that contract tuition rate shall in no case exceed the rate charged for other pupils," so that said subsection when amended and re-enacted shall read as follows:

"Within two years after the passage and approval of this act, there shall be established by the county board of education of each county one or more county high schools: Provided, there is not already existing in the county a high school of the first class; if such high school already exists, and if the county board may be able to make such an arrangement with the trustees or board of education of said high school as will furnish to the pupils completing the rural school course free tuition in said high school, then said

high school may be considered as meeting the purpose of this law without the establishment by the board of another high school. The county board of education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, course of study, payment of expenses of the school and the control and discipline of the pupils, provided that the total expense of conducting said high school, including estimate of the six per cent per annum on all investments in buildings, grounds and equipment, shall be prorated between the two boards of education in proportion to the enrollment respectively of county pupils and pupils residing in said town, city or graded school district, for the term of the first half of the session and likewise for the term of the second half of the school session, the entire school session being in no case less than eight school months. Provided, however, that said contract tuition rate shall on no case exceed the rate charged for other pupils. The first county high school to be established in the county shall be located at the county seat, providing there is not already existing in the county seat a high school of the required grade. The county high schools of this Commonwealth shall be of the first, second and third classes. A first class high school shall maintain a four year course of

study, which shall be prepared by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture. High schools of the second class shall maintain a course of three years, identical with the first three years of the first class high school. High schools of the third class shall maintain a course of two years, identical with the first two years of the first class high school."

§ 7. That Chapter 113, Article 6a, Section 4426a, Subsection 11, Carroll's Kentucky Statutes, 1909, be amended by adding to said Subsection 11, at the end of said subsection the following paragraph:

"The County Board of Education is hereby empowered to assume the indebtedness of any common school subdistrict contracted prior to the passage of the Act of 1908, creating said county board of education, and shall pay said indebtedness out of the county tax levy," so that subsection 11 when amended and re-enacted shall read as follows:

"The county board of education shall have the power to purchase, lease or rent school sites, to build, to repair and to rent schoolhouses, purchase maps, globes, charts, school furniture, or other apparatus necessary to the efficient conduct of the schools of the county, and said county board is hereby vested with the title, care and custody, of all schoolhouses, sites, or other property belonging to the districts of their several counties, and when in the opinion of the board, any site for schoolhouse has become unnecessary, they may sell and convey the same in the name of the county board of education. It shall have the power to receive any gift, grant or donation for the use of the schools within their respective counties, and all conveyances of real estate which shall be made to said county board of education shall vest the prop-

erty in said board and their successors in office for the use and benefit of the schools of the county. It shall have the power to condemn any real estate necessary for school purposes in any district and may proceed to do so in the manner provided for by law for the condemnation of lands for railroad purposes.

"The County Board of Education is hereby empowered to assume the indebtedness of any common school subdistrict contracted prior to the passage of the Act of 1908 creating said County Board of Education, and shall pay said indebtedness out of the county school tax levy."

§ 8. That Chapter 113, Article 6a, Section 4426a, Carroll's Kentucky Statutes, 1909, be amended by adding the following subsection which shall be numbered Subsection 18, and the present Subsection 18 called "Repealing clause," shall be numbered Subsection 19. This new Subsection 18 shall be as follows: "With the concurrence of the County Boards the county superintendents of two or more adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a subdistrict composed of parts of these counties. The selection and payment of teachers and control of such subdistricts shall be lodged in the county board of the county in which the school building is located, but the county board of the other contracting county or counties, shall pay such proportion of the total expense of conducting said school as may be mutually satisfactory and stated in a written contract, which contract shall also state definitely the boundaries of such fractional subdistrict. Said contract shall be spread upon the minutes of each board and duplicate copies signed by the president and secretary of each board, shall be filed in the office of the county clerk of each of the contracting counties.

In the subdistricts thus constituted, one trustee who may deside in either fraction, shall be elected from the subdistrict at large, but said trustee shall be deemed a resident of the educational division of the controlling county as hereinbefore provided. The duties of the trustee of such fractional subdistrict shall be the same as those of other subdistrict trustees, save that in making a census of the children of school age residing in the subdistrict, he shall list the children of the two or more counties separately, and make returns separately to each county superintendent, of the children residing in the respective counties.

Said substitute was agreed to.

Mr. Wilson offered the following amendment to said substitute, viz.:

Amend by striking out section five and substituting therefor the following:

Sec. 5. That it shall be the duty of the County Board of Education to elect one or more teachers for each school of the subdistricts under the control of said County Board of Education.

All applications for positions in said schools shall be filed with the Secretary of the County Board of Education. Teachers may be elected for the ensuing year at any time after the last Saturday in June.

Teachers shall be elected for one school year, but may be removed at any time by the County Board of Eudcation, subject to the approval of the County Superintendent, for incompetency, neglect of duty or immoral conduct. Contracts for the service of all teachers shall be in writing,

signed in duplicate by the teacher and by the chairman and secretary of the County Board of Education, and in other respects to conform to law relating thereto.

Amend said bill by adding after section 8, the following:

Sec. 9. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

Said amendment was disagreed to.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows:

Those who voted in the affirmative were—

Robert H. Akin	G. E. Carroll	D. Clarence Gray
Eugene G. Asher	George P. Chinn	T. J. Gregory
George Baker	Henry Chunn	Joe Hall
J. M. Bean	W. Frank Cole	V. D. Hammond
Eli Berry	Sidney J. Collins	L. B. Herrington
A. V. Bertram	W. L. Craig	A. B. Holland
Thos. M. Bertram	Elkanah Dickey	John W. Holland
E. Bishop	G. L. Drury	James R. Howell
H. C. Blades	J. H. Elder	R. Dillard Hunter
John F. Brewer	Eli Farmer	W. J. Jackson
Wallace Brown	John M. Farra	John G. Kelley
Wm. L. Bowling	John F. Fryer	W. E. King
C. W. Burton	Allie T. Gaines	M. C. Kirk

Charles H. Knight	Luther C. Owings	Adam Spahn
William J. Kuh	A. W. Palmer	A. H. Stamper
James A. Leach	W. F. Parker	John G. Stoll
J. Albert Leach	J. R. Paxton	E. B. Thompson
F. A. Lochry	William A. Perry	D. B. Thurman
B. J. Matthews	W. V. Perry	Louis B. Tieman
S. F. Middleton	Marion F. Pogue	Yeaman Watkins
R. C. McClure	John A. Polin	E. B. Wiley
Charles D. McCrea	Stanley F. Reed	David W. Wiley
W. N. McCubbin	S. H. Rogers	J. H. Williams
C. B. Nichols	Robt. H. Scott	Charles Yancy
Ben E. Niles	W. A. Shawler	Edward L. Young
L. B. Owen	W. Scott Smith	

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Those who voted in the negative were—

Green R. Keller B. S. Wilson —2

Resolved that the title thereof be as aforesaid.

Mr. Holland moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 8, 1912.

The House was opened with prayer by the Rev. C. C. Penick, of the Protestant Episcopal Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. L. B. Owen:

H. B. 434. An act to amend Section 4128 of Article 7 of Kentucky Statutes, entitled Revenue and Taxation.

To Committee on Revenue and Taxation.

By Mr. McClure:

H. B. 435. An act to abolish capital punishment within this State.

To Committee on Judiciary.

By same:

H. B. 436. An act to abolish the office of Commonwealth's Attorney, except in counties containing cities of

the first and second class, and providing that County Attorneys shall discharge the duties of said office.

To Committee on Circuit Courts.

By Mr. Douglass:

H. B. 437. An act relating to the uttering of a fraudulent check, draft or order and prescribing the penalty therefor.

To Committee on Criminal Law.

By same:

H. B. 438. An act to amend an act entitled an act to regulate child labor.

To Committee on Juvenile Courts and Children's Home.

By Mr. Thurman:

H. B. 439. An act to amend an act entitled "An act for the creation and regulation of private corporations," being an act relating to the subject of insurance and the transaction of the business of life or casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan.

To Committee on Insurance—Life and Accident.

By Mr. Akin:

H. B. 440. An act to repeal and re-enact Section 656,

of the Kentucky Statutes, so as to prevent rebates, discriminations, estimates and misrepresentations in life insurance.

To Committee on Insurance—Life and Accident.

By Mr. Williams:

H. B. 441. An act allowing bail pending appeal to the Court of Appeals in any felony cases where the jury has fixed the punishment at death or confinement in the penitentiary for life.

To Committee on Judiciary.

By Mr. Niles:

H. B. 442. An act relating to elections of school officers.

To Committee on Education No. 1.

By same:

H. B. 443. An act to authorize the guardian of an infant and the committee on a lunatic to lease the real estate of such infant and lunatic for mining purposes.

To Committee on Kentucky Statutes.

By same:

H. B. 444. An act to fix the liquor license to be charged in cities and towns of this Commonwealth.

By Mr. Knight:

H. B. 445. An act concerning annuities, for aged, infirm, disabled, diseased or retired teachers in cities of the first class; providing for payment of such annuities out of a fund to which teachers shall contribute; providing for a Board of Trustees for the management and distribution of such fund and prescribing regulations relative to the mode of obtaining, preserving, using and disbursing such fund; and providing that the treasurer of the Board of Education shall be treasurer thereof.

To Committee on Municipalities.

By Mr. Kuh:

H. B. 446. An act to amend an act entitled an act for the government of cities of the first class, approved July 1, 1893, and to pension surviving members of the volunteer fire companies in said cities.

To Committee on Municipalities.

By Mr. Atherton:

H. B. 447. An act to regulate the assignment, sale, pledge, mortgage and the transfer of wages to be earned or paid in the future where a whole or a part of the consideration therefor is a sum of money of less than $200.

To Committee on Judiciary.

By Mr. E. B. Thompson:

H. B. 448. An act making it a misdemeanor and fixing a penalty for selling, offering for sale, or delivering to any institution supported in whole or in part by the State of

Kentucky or any county therein, and fresh meats taken from animals not killed within the State of Kentucky.

To Committee on Judiciary.

By Mr. W. V. Perry:

H. B. 449. An act for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a convention to amend the Constitution, and to provide for ascertaining the number of citizens entitled to vote for Representatives within this State.

To Committee on Constitutional Amendments.

By Mr. Reed:

H. B. 450. An act to amend Section 1490, of the Kentucky Statutes, Carroll's Edition, 1909.

To Committee on Suffrage and Elections.

By same:

H. B. 451. An act for the benefit of A. D. Cole, Esq., of Maysville, Kentucky.

To Committee on Kentucky Statutes.

By Mr. Scott:

H. B. 452. An act regulating the charge for excess baggage and fixing penalty for violation thereof.

To Committee on Railroads.

By Mr. Wallace Brown:

H. B. 453. An act to prohibit the use of the name or brand of a manufacturer on labels without authority.

To Committee on Corporate Institutions.

By Mr. Yancy:

H. B. 454. An act to amend an act entitled an act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof, approved March 27, 1902, March 26, 1904, March 21, 1906, and March 19, 1910.

To Committee on Confederate Home.

By same:

H. B. 455. An act to make appropriation for securing the birth place of Jefferson Davis and erecting thereon a suitable memorial to his memory.

To Committee on Appropriations.

By Mr. J. W. Holland:

H. B. 456. An act to provide for the appointment of a Commissioner to the Panama-Pacific Exposition at San Francisco, Cal., and to make an appropriation therefor.

To Committee on Appropriations.

By Mr. Cole:

H. B. 457. An act to amend Section 1501 of Kentucky Statutes, 1909.

To Committee on Municipalities.

By Mr. Polin:

H. B. 458. An act to amend Section 1899, Carroll's Kentucky Statutes.

To Committee on Fish and Game.

By Mr. Dickey:

H. B. 459. An act to create the 10th Circuit Judicial District so as to include Metcalfe county in said district.

To Committee on Circuit Courts.

By Mr. Stoll:

H. B. 460. An act to further amend and re-enact Section 3096 of the Kentucky Statutes relating to cities of the second class.

To Committee on Municipalities.

By same:

H. B. 461. An act to amend and re-enact Section 4 of an act for the government of cities of the second class.

To Committee on Municipalities.

By same:

H. B. 462. An act to amend, extend and re-enact Section 2 of an act entitled "An act to provide for the holding

of Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend, or if in attendance, can not properly preside, being the act known as Chapter 3, of the Acts of 1910, of the General Assembly."

To Committee on Municipalities.

By same:

H. B. 463. An act providing for the payment of premiums on bonds executed by certain State officers.

By Mr. Wilson:

H. B. 464. An act for the benefit of the Western Kentucky State Normal School, Bowling Green, Kentucky, providing for part payment of its indebtedness incurred for the purchase of a new site, necessary buildings and furnishing necessary equipment for the building.

To Committee on State University and Normal Schools.

By same:

H. B. 465. An act to amend and re-enact Section 1742, of the Kentucky Statutes, relating to fees, and repealing all laws or parts of laws in conflict therewith.

To Committee on Kentucky Statutes.

By Mr. Hamilton:

H. B. 466. An act providing license tax on foreign manufacturers or dealers in machine made glass containers for

spirituous, vinous or malt liquors doing business in Kentucky, and providing penalties for violation of this act.

To Committee on Revenue and Taxation.

By Mr. W. A. Perry:

H. B. 467. An act to amend Section 362 of title 9 of the Code of Practice in criminal cases.

To Committee on Codes of Practice.

By Mr. Shawler:

H. B. 468. An act to protect drivers of stock on public highways of this Commonwealth where the stock law is in force.

To Committee on Agriculture.

By same:

H. B. 470. An act to compel warehousemen and samplers to pay for samples of tobacco taken from hogsheads and other packages.

To Committee on Public Warehouses and Granaries.

By same:

H. B. 470. An act to amend and re-enact an act entitled "An act to amend and re-enact an act entitled 'An act to amend an act entitled "An act to assign the cities and towns of this Commonwealth to the classes to which they belong,"' " approved March 16, 1910.

To Committee on Classification of Cities and Towns.

By Mr. A. B. Holland:

H. B. 471. An act to amend so much of Section 965 of Carroll's Kentucky Statutes, as regulates the time of holding the terms of the Circuit Courts in the third Circuit Court District and provides for the time of holding same.

To Committee on Circuit Courts.

By same:

H. B. 472. An act relating to the qualifications of County Superintendents.

To Committee on Education No. 1.

By Mr. Collins:

H. B. 473. An act to amend Section 217 and Subsection 8 of 217a of Article 1, and Section 272 of Article 3, Chapter 16, Kentucky Statutes, Carroll's 1909 Edition, said chapter being entitled therein Charitable Institutions.

To Committee on Charitable Institutions.

A message was received from the Senate announcing that they had passed a bill of the following title,

S. B. 26. An act to establish a Department of Banking, providing for the appointment of a Commissioner, Deputy Commissioner and Examiners thereof and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

Said bill was ordered to be printed and referred to the Committee on Banks and Banking.

Mr. Speaker Terrell presented the petition of sundry citizens of Trimble county protesting against the passage of a bill to repeal the law providing a tax on dogs.

Which was received its reading dispensed with and referred to the Committee on Agriculture.

The Speaker laid before the House the following communication, viz.:

New York, January 29, 1912.

My Dear Senator Brock:

I am touched by your kindness, and I very deeply appreciate what you tell me is the feeling of the members of the Kentucky Legislature. If I could accept any invitation now, I should as a matter of course gladly accept the invitation from the Kentucky Legislature. It would be a very high honor that I should deeply appreciate, but it is not possible for me now to make any speech of any kind. I could not do it. With real regret and very many thanks, believe me, Faithfully yours,

THEODORE ROOSEVELT.

The HON. H. M. BROCK,

Senate Chamber,

Frankfort Ky.

Which was read.

Mr. Fryer offered the following resolution, viz.:

Whereas, There now exists in the State of Kentucky a bi-partisan board for the control of Charitable Institutions and,

Whereas, The platform of the Democratic party adopted in the year of Our Lord 1911, clearly and distinctly and unequivocally declared for and promised to the lean, hungry and oppressed office seekers and disappointed politicians of Kentucky, a bi-partisan board for the control of all our penal institutions, and,

Whereas, The upper branch of this General Assembly has placed itself on record for a bi-partisan Board of Bank Examiners, and

Whereas, The entire legislation proposed by this General Assembly tends toward, is based upon or savors of a bi-partisan idea and basis, now therefore,

Be it resolved by this House of Representatives:

That we indorse the bi-partisan idea for all departments of State Government from the Executive Department to the office Commissioner of Agriculture, Labor and Statistics and further favor a bi-partisan House of Representatives and a bi-partisan Senate and further that whatever is or shall be in the future shall be purely and indeed strictly bi-partisan.

Which was read and referred to the Committee on Assignment of Committee Rooms.

Mr. John W. Holland offered the following resolution, viz.:

Whereas, the Hon Geo. S. Wilson, who was Speaker of the Ky. House of Representatives at the Sssion of 1910, is a visitor in the city of Frankfort,

Therefore, be it resolved by this House that said Geo. S. Wilson be given the privilege of the floor of the House of Representatives, during his stay in Frankfort, and that he be requested to address this body.

Said resolution was adopted.

Mr. Rogers offered the following resolution, viz.:

Whereas, the members of the General Assembly, have by bills that have passed either the Senate or the House of Representatives of are pending before these bodies, asked that more than one million dollars be appointed for different purposes, and,

Whereas the State of Kentucky is at present paying interest on State Warrants given in payment of State debts, and whereas, this condition of our financial affairs is due to appropriations made by extravagant Legislatures of the past, and whereas, we well know that these conditions should not be permitted to exist for a longer period that is absolutely required by the law directing that State warrants be issued; and whereas, we well know that our only method for wiping out these warrants and of preventing future embarrassment of the same character, is by economy,

Therefore, be it resolved, that the Committee on Appropriations be directed to advise with the Governor and after

due deliberation advise this House in a written report such appropriations as are absolutely necessary.

Said report to be filed not later than February the 19th, 1912.

Said resolution was adopted.

Mr. Rogers offered the following resolution, viz.:

Whereas, The Honorable Senate of the State of Kentucky has passed by a unanimous vote a bi-partisan bill for the management of the State Penal Institutions, and whereas, many believe that said bill as passed, does not carry out the spirit of the last Democratic platform pertaining to the measure herein named, and whereas this was one of the principal planks of the Democratic platform, said platform being the one endorsed by the voters of this State at the last election; and whereas, our present Governor, the Hon. Jas. B. McCreary, was the recognized leader of the Democratic party in the last campaign, and was the guiding hand in setting out the principles upon which the Democratic party was led to it's magnificent victory, and whereas, the House of Representatives well knows that every plank of that platform has been given mature deliberation by our Chief Executive and that he, above all others, should be consulted upon all subjects pertaining thereto, believing as we do, that he more than any one else must stand sponsor to our every action, and knowing that his public life, that has been given to the welfare of Kentucky, without a blot or stain, should be if possible, by our actions, made more beautiful; so that when his administration closes we who have molded, perhaps, the last jewel for his crown may point with pride to the brightest gem in the constellation of his achievements,

Therefore, be it resolved, that the committee on State

Prisons and Houses of Reform be directed to consult our Chief Executive and ascertain if in his judgment the Bi-Partisan Prison Bill, as passed by the Honorable Senate of the State of Kentucky, fulfills the spirit, as well as the letter, of the Democratic Platform; and that the said committee is directed to report back to this House, stating the measure that, in their judgment, best fulfills the promises made to the citizenship of Kentucky.

Said report to be made not later than Tuesday, Feb. 13, 1912.

Which was read and ordered to be referred to the Committee on State Prisons and Houses of Reform.

Mr. Schoberth offered the following resolution, viz.:

Whereas, Hon. William H. Shanks, the gentleman from Lincoln, has been prevented from attending this session of the General Assembly, because of the serious illness of his wife, now, therefore,

Be it resolved that we extend to the gentleman from Lincoln our sincere and deep sympathy in his trouble, express to him our earnest hope for the immediate recovery of his helpmate and the hope that he may soon be permitted to be with us in person, as we know he is now with us in spirit, and,

Be it further resolved that a copy of these resolutions be, by the Clerk, furnished to the said gentleman from Lincoln.

Said resolution was adopted.

The committees to which the same has been referred reported bills of the following titles, viz.:

By Mr. Thurman of the Committee on Criminal Law:

H. B. 327. An act to amend an act entitled "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth class, and to enable Boards of School Trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy."

By Mr. Pogue of the Committee on Education No. 1:

H. B. 55. An act to provide for inspection of schools and school funds of the State and increase the efficiency of the Department of Education.

By same:

H. B. 328. An act in relation to public schools, teachers therein; examinations for certificates and the eligibility of a teacher to hold the office of Superintendent of County Schools.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 220. An act to repeal Subsection 5 of Section 1403, Kentucky Statutes, and substitute therefor, which act relates to the personal property set aside to widow or infants of an intestate.

By same:

H. B. 278. An act to repeal Section 2569a of the Kentucky Statutes.

By same:

H. B. 282. An act to amend an act entitled "An act to amend an act entitled: 'An act to Amend Section 4315, Kentucky Statutes, in Chapter 110 of Kentucky Statutes,' " approved March 24, 1908.

By same:

H. B. 304. An act providing for the amendment of Section two hundred and one (201) of the Constitution of the Commonwealth of Kentucky.

By same:

H. B. 352. An act to prevent cigarette smoking by minors and providing a penalty therefor.

By same:

H. B. 297. An act to provide a system for the assessment, levy and collection of taxes in towns of the sixth class.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Palmer of the Committee on Education No. 2:

H. B. 300. An act to amend an act of March the 15th, 1906, relating to revenue and taxation by providing for a license tax upon school text book companies, corporations, associations, co-partnerships and individuals doing business in this State.

By Mr. Akin of the Committee on Insurance—Life and Accident:

H. B. 107. An act to amend and re-enact Section 4226 of the Kentucky Statutes, entitled "Foreign life and industrial companies."

By same:

H. B. 177. An act to make more certain the rights of domestic life insurance companies.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 132. An act to amend and re-enact and supplement Section 495 of the Kentucky Statutes, being Section 1 of an act entitled "An act to amend and re-enact Section 6 of an act entitled 'An act concerning conveyances,'" approved April 22, 1893, and being Section 495 of the Kentucky Statutes, approved March 31, 1904.

The question being severally taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

A message was received from the Governor announcing that he had approved and signed a bill which had originated in the House, entitled,

H. B. 23. An act to provide for the erection and completion of a Governor's mansion and other necessary buildings connected therewith at the seat of governmet.

The hour of 11:45 a. m. having arrived,

The House took up for consideration the Special Order of the Day for that hour, to-wit: a bill entitled,

H. B. 138. An act to further amend an act entitled an act for the benefit of the Kentucky Children's Home Society.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section one of the amendment to said act which reads as follows:

"That there is thereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of thirty thousand dollars per annum payable anually for the benefit of the Children's Home Society, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the Treasury annually in favor of the Treasurer of the Kentucky Children's Home Society for the sum of thirty thousand dollars.

"Provided, no part of said appropriation shall be paid unless there has been executed on the part of said Society,

a bond to the Commonwealth of Kentucky with good and sufficient security, stipulating and providing that all of said sums of money as appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support and maintenance of homeless and destitute children of this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts and kept as a record in his office. If any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury.

"Said Society shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where and how said funds and appropriations have been applied and disbursed."

Is hereby amended to read as follows:

"That there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of sixty thousand dollars per annum, payable annually for the benefit of the Kentucky Children's Home Society, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the Treasury annually in favor of the Treasurer of the Kentucky Children's Home Society for the sum of sixty thousand dollars.

"Provided, no part of said appropriation shall be paid unless there has been executed on the part of said society a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of such sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care,

support, maintenance and supervision of homeless and destitute white children of this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts and kept as a record in his office. If any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury.

"Said Society shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where and how said funds or appropriations have been applied and disbursed.

§ 2. That Section 2, which reads as follows:

"Section 2. The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Children's Home Society, on the first day of June, 1908, and annually on the same day and date thereafter for the sum of thirty thousand dollars each."

Shall be amended so as to read as follows:

"Section 1. That there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of sixty thousand dollars per annum, payable annually for the benefit of the Kentucky Children's Home Society, and the Auditor of Public Accounts and he is hereby authorized and directed to draw his warrants upon the Treasury annually in favor of the Treasurer of the Kentucky Children's Home Society for the sum of sixty thousand dollars, provided, no part of said appropriation shall be paid unless there has been executed on the part of said Society, a bond

to the Commonwealth of Kentucky, with good and sufficient security, stipulating and approving that all of such sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support and maintenance and supervision of homeless and destitute white children of this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts, and kept as record in his office. If any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury.

"Said Society shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where and how said funds or appropriations have been applied and disbursed.

"Section 2. The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Children's Home Society, on the first day of June, 1912, and annually on the same day and date thereafter, for the sum of sixty thousand dollars each."

Mr. Forgy offered the following amendment to said bill:

Amend by striking out "Sixty thousand" wherever it occurs in the bill and inserting in lieu thereof "Fifty thousand."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
George P. Chinn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
T. J. Gregory
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
R. Dillard Hunter
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
Harry J. Meyers
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. L. Robertson
H. A. Schoberth
Robt. H. Scott
W. Scott Smith
Adam Spahn
John G. Stoll
D. B. Thurman
Louis B. Tieman
B. S. Wilson
Charles Yancy

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Those who voted in the negative were—

John F. Brewer	W. J. Jackson	W. A. Shawler
Henry Chunn	Green R. Keller	Yeaman Watkins
G. L. Drury	B. J. Matthews	E. B. Wiley
D. Clarence Gray	W. F. Parker	David W. Wiley
Joe Hall	Stanley F. Reed	
James R. Howell	S. H. Rogers	—16

Resolved that the title thereof be as aforesaid.

Mr. W. V. Perry moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said last named motion was agreed to.

In response to the resolution adopted heretofore on this day the Hon. George S. Wilson, Speaker of the House of Representatives, during the Session of 1910, appeared on the floor of the House and addressed the House.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 17. An act to amend an act entitled an act for the government and regulation of the common schools of this State, approved March 24, 1908:

Together with the amendments heretofore proposed to said bill by the Committee on Education No. 1.

Mr. Matthews offered an amendment to said bill.

Mr. Reed moved that said bill be recommitted to the Committee on Education No. 1.

Said motion was agreed to.

Mr. L. C. Owings of the Committee on State Fair to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same.

Together with sundry amendments thereto.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of thirty thousand ($30,000) dollars be, and is hereby, appropriated out of any money in the treasury not otherwise appropriated for paying off the present indebtedness of the Kentucky State Fair.

§ 2. That the sum of twenty thousand ($20,000) dollars be, and is hereby, appropriated out of any money in the treasury not otherwise appropriated for the purpose of erecting an additional section to the Grand Stand at the Kentucky State Fair.

§ 3. That the sum of thirty-five thousand ($35,000) dollars be, and is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of erecting a building to be known as the Agriculture Building on the Kentucky State Fair grounds to be used for housing and exhibiting field seed, grain, tobacco, vegetables, melons, plants and flowers and other agricultural products.

§ 4. That the sum of twenty-five thousand ($25,000) dollars be, and is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of erecting a building to be known as the Woman's Building and to be used for the purpose of exhibiting works of art, education, woman's needle work and table luxuries and other similar purposes.

§ 5. That the sum of ten thousand ($10,000) dollars be, and is hereby, appropriated out of money in the treasury not otherwise appropriated for the purpose of erecting a building for the housing and exhibition of poultry.

§ 6. That the sum of five thousand ($5,000) dollars be, and is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of erecting a building to be used as the home of the Superintendent of the State Fair grounds and buildings.

§ 7. That the sum of ten thousand ($10,000) dollars annually be, and is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of insuring the buildings, maintaining the grounds and improving the same at the Kentucky State Fair.

§ 8. All of the said buildings shall be erected upon the Kentucky State Fair grounds and the erection of same shall be under the supervision and direction of the State Board of Agriculture, Forestry and Immigration.

§ 9. The Chairman of the State Board of Agriculture, Forestry and Immigration shall make bond to the Commonwealth of Kentucky in amount equal to the total appropriation of this act, and the said chairman shall render an accounting to the Governor for all moneys appropriated by

this act and expended by the State Board of Agriculture, Forestry and Immigration.

The amendments as proposed by said Committee on State Fair are as follows, viz.:

First: That Section 3 be stricken out.

Second: That Section 4 be stricken out.

Third: That Section 5 be amended by striking out the words and figures "ten thousand ($10,000)" and insert in lieu thereof the words and figures "six thousand ($6,000)."

Fourth: That Section 6 be stricken out.

Said amendments were severally agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	H. C. Blades	G. L. Drury
Eugene G. Asher	C. W. Burton	J. H. Elder
George Baker	G. E. Carroll	John M. Farra
Thos. M. Bertram	George P. Chinn	Joe Hall
E. Bishop	W. Frank Cole	L. B. Herrington

W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Luther C. Owings
William A. Perry
W. V. Perry
Marion F. Pogue
W. A. Price
Stanley F. Reed
S. L. Robertson
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Adam Spahn
John G. Stoll
C. B. Thompson
Louis B. Tieman
Yeaman Watkins

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Those who voted in the negative were—

J. M. Bean
A. V. Bertram
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
Henry Chunn
Sidney G. Clay
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
Eli Farmer
S. Walton Forgy
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Elwood Hamilton
V. D. Hammond
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
James A. Leach
J. Albert Leach
R. C. McClure
W. N. McCubbin
Ben E. Niles
L. B. Owen
A. W. Palmer
W. F. Parker
J. R. Paxton
John A. Polin
S. H. Rogers
W. Scott Smith
E. B. Thompson
D. B. Thurman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy

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And so said bill was rejected.

Mr. Hamilton moved that the vote by which said bill was rejected be reconsidered.

Said motion was agreed to.

Mr. Robertson moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 9, 1912.

The House was opened with prayer by the Rev. Roger T. Nooe of the First Christian Church of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed a resolution which originated in that body entitled,

S. Res. 13. Resolution authorizing the Special Committee appointed to investigate the State University, to employ a stenographer and empower the Chairman to administer oaths to witnesses.

That they had passed bills of the following titles, viz.:

1. S. B. 7. An act to amend Section 8, of Chapter 56 of the Acts of the General Assembly at the Session 1908, an act for the government and regulation of common schools of this State, approved by the Governor March 24, 1908.

2. S. B. 40. An act to amend an act approved March 8, 1904, entitled an act to amend an act entitled An act for the relief of the Court of Appeals, approved October 5, 1900.

3. S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Said bills were ordered to be printed and referred,

1. To Committee on Education No. 1.

2. To Committee on Kentucky Statutes.

3. To Committee on Constitutional Amendments.

The House took up for consideration the unfinished business from yesterday entitled,

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon State Fair grounds and providing for the maintenance of same.

(For bill see House Journal of yesterday.)

Mr. Wilson moved that the vote by which said bill was ordered to its third reading be considered.

Said motion was agreed to.

Mr. Wilson offered the following amendment to said bill, viz.:

1st. Amend by striking out Section 5. 2. Amend Section 2 by striking out the words and figures "Twenty thousand ($20,000)," and insert in lieu thereof "ten thousand ($10,000)."

Said amendments were severally agreed to.

Mr. Rogers offered the following amendments to said bill.

Amend by striking out all of the sections of said bill except one and seven.

Said amendment was disagreed to.

Ordered that said bill as amended, be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Robert H. Akin	John M. Farra	Hugh Mahin
Eugene G. Asher	S. Walton Forgy	B. J. Matthews
J. M. Bean	John F. Fryer	Harry J. Meyers
Eli Berry	Allie T. Gaines	S. F. Middleton
Thos. M. Bertram	D. Clarence Gray	R. C. McClure
E. Bishop	Joe Hall	Charles D. McCrea
H. C. Blades	Elwood Hamilton	W. N. McCubbin
John F. Brewer	V. D. Hammond	C. B. Nichols
Hiram Brown	A. B. Holland	Luther C. Owings
Wallace Brown	John W. Holland	W. F. Parker
C. W. Burton	R. Dillard Hunter	William A. Perry
G. E. Carroll	Green R. Keller	W. V. Perry
George P. Chinn	John G. Kelley	Marion F. Pogue
Sidney G. Clay	W. E. King	John A. Polin
W. Frank Cole	M. C. Kirk	W. A. Price
Sidney J. Collins	Charles H. Knight	Stanley F. Reed
Francis B. Douglas	William J. Kuh	S. L. Robertson
G. L. Drury	James A. Leach	H. A. Schoberth
J. H. Elder	J. Albert Leach	Robt. H. Scott
Eli Farmer	F. A. Lochry	W. A. Shawler

Adam Spahn	D. B. Thurman	B. S. Wilson
John G. Stoll	Louis B. Tieman	Speaker Terrell
C. B. Thompson	Yeaman Watkins	
E. B. Thompson	E. B. Wiley	—69

Those who voted in the negative were—

Henry Chunn	W. J. Jackson	S. H. Rogers
W. L. Craig	L. B. Owen	David W. Wiley
Elkanah Dickey	A. W. Palmer	Charles Yancy
T. J. Gregory	J. R. Paxton	
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Resolved that the title thereof be as aforesaid.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a resolution of the following title, viz.:

S. Res. 7. Resolution providing stenographic help and legal assistance to Special Committee investigating Auditor's Agents.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

The hour of 11:30 o'clock having arrived,

The House took up for consideration the Special Order of the Day for that hour to-wit: a bill entitled,

H. B. 25. An act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds and to control and regulate contributions made for campaign purposes to further the election of any party organization or person, and fixing penalties therefor.

(For bill see House Journal, February 6.)

Mr. Wallace Brown moved that the House do now resolve itself into the Committee of the Whole House upon the State of the Commonwealth, for the purpose of considering said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair having designated Mr. Wallace Brown as Chairman of the Committee of the Whole House.

The House was then convened in the Committee of the Whole.

After some time the Speaker resumed the Chair.

Mr. Wallace Brown of the Committee of the Whole House reported that said Committee had had under consideration the aforesaid bill that said Committee had directed him to report the same to the House with sundry amendments thereto.

Said amendments as proposed by the Committee of the Whole House are as follows, viz.:

Amend Section 1, by striking out the following words in

lines 17 and 18 which read as follows: "Such person or persons or committee may act conjointly for any number of counties" and insert in lieu thereof, "Such person or persons or committee may act conjointly for any number of counties, and if a party committee acts it may act conjointly for any number of candidates for different offices or for any number of counties or for the entire State on behalf of any or all of the candidates who are the candidates of such party for election to any office or offices.

Amend Section 2, on page 8 of said act and insert in lieu thereof, so that said section when amended shall read as follows: "No money shall be paid or expense authorized or incurred by any party or by any candidate for election to any office in excess of the following sums at any primary or regular election, for Governor $5,000; for any other State office $4,000; for Congress, Judge of Court of Appeals or Railroad Commissiners $2,000; for any primary or regular election to a county or city office, including members of the Senate and House of Representatives $250; provided, however, that any candidate or any party on behalf of any candidate may expend in his campaign or in the compaign on behalf of any party for an election to any office in lieu of the above named sums a sum not exceeding fifty per centum of one year's salary of the office which he seeks; provided, that nothing herein contained shall authorize personal expenditure on behalf of any candidate, but the sums herein mentioned may be contributed to the designated committee and expended by them in the manner herein provided. Any candidate or party committee violating the provisions of this section shall be punished by fine not exceeding $1,000, or confinement in the county jail not exceeding twelve months, or both such fine and imprisonment.

Amend Section 13, on page 8 by striking out said Section and inserting in lieu thereof the following:

Section 13. "No candidate for nomination or election to an elective office, including that of United States Seator in Congress, when nominated at a primary election, shall directly or idirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are defined to be limited to expenses for the following purposes only:

1. For the candidates official filing fee.

2. For the circulating and verifying of nomination papers or petitions.

3. For the candidate's personal traveling expenses.

4. For rent and necessary furnishing of halls or rooms during such candidacy, for public meetings or for committee headquarters.

5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.

6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.

7. For his share of the reasonable compensation of challengers or inspectors at the polls.

8. For making canvasses of voters.

9. For clerk hire.

10. For conveying infirm or disabled voters to and from the polls.

11. For postage, expressage, telegraphing and telephoning, relative to candidacy.

And provided further that each political party or each candidate may employ not exceeding two persons on election day to act as challengers or agents in or at each polling place as now provided by law.

Every such challenger or agent shall, on election day, wear a badge which shall show to any other person the political party or candidate for whom such challenger or agent is acting, and said badge shall be furnished by the County Board of Election Commissioners.

Any person, party committee expending money for any other purpose other than that provided for in this section shall be guilty of a misdemeanor and subject to a fine in any sum not exceeding $1,000, or by confinement in the County Jail for not more than twelve months, or both so fined and imprisoned; and in addition to this penalty any candidate who shall be found guilty of violating the provisions of this section, shall forfeit his office or his nomination to any office.

Amend Section 14, on page 9, by striking out Section 14.

Said amendments were severally agreed to.

Mr. Hamilton moved that said bill be recommitted to the Committee on Suffrage and Election with leave to report at any time.

Said motion was agreed to.

Mr. Robertson moved that when this House adjourn today it be to meet again on Tuesday next, 13th instant, at 12 o'clock m.

Said motion was agreed to.

Mr. C. B. Thompson moved that for today the rules be suspended and that in addition to those persons now entitled to the privileges of the floor that each member and officer of the House and of the Senate shall be allowed to designate one person who shall be entitled thereto and that the Heads of the several State Departments shall also be allowed the privileges of the floor.

Said motion was agreed to.

Mr. C. B. Thompson moved that this House do now recess until 3 o'clock this afternoon.

Said motion was agreed to.

AFTERNOON SESSION.

At 3 o'clock the House re-assembled.

Mr. Robertson moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned until Tuesday at 12 o'clock in accordance with the provisions of a motion heretofore adopted on this day.

TUESDAY, FEBRUARY 13, 1912.

The House was opened with prayer by the Rev. H. B. Turner of the Methodist Episcopal Church, South, of the City of Frankfort.

The Journal of the proceedings of Friday last was read.

Mr. Hamilton moved that the Journal of the proceedings of Friday last be corrected so as to show that the Special Order for 11:30 o'clock on Friday last to-wit; H. B. 43. An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commowealth, was set forward and made a special order for today for 12:30 o'clock, p. m.

Said motion was agreed to.

Mr. Forgy offered the following resolution, viz.:

Whereas, The last Presidents of the United States, from the South, elected by the people were James K. Polk in 1844 and Zachary Taylor in 1848, and

Whereas, Every thought of sectionalism in the minds of the people has passed away with the generation in which it existed. Therefore, be it

Resolved, That it is the sense of this House that in the future in the selection of a candidate for President of the United States, the qualifications of any prospective candi-

date should not be prejudiced or ignored because he is a citizen of a Southern State of this Union.

Be it further resolved, That a copy of this resolution properly certified by the Clerk of this House, be by him sent to the Clerk of the House of Representatives of the Congress of the United States and that it be presented to that body for such action as it may deem fit.

Be it further resolved, That a properly certified copy of this resolution be sent by the Clerk of this House, to every Governor of a State of this Union, with the request that he cause the same to be laid before the House of Representatives of his respective State for such action as it may deem fit.

Said resolution was adopted.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 369. An act to make it a penitentiary offense to steal a skiff.

H. B. 306. An act to regulate trusts, corporations, and combines and making the violation of the law a felony and prescribing the penalty therefor.

H. B. 371. An act to amend Section 273a, Carroll's edition of 1909, Kentucky Statutes, giving to the Kentucky School for the Deaf, located at Danville, Kentucky, an educational qualification.

H. B. 334. An act for the relief of sub-school districts relating to the liquidation and payment of old debts.

H. B. 145. An act to amend Chapter 56, Section 2, Acts of 1908, entitled "An act for the government and regulation of the common schools of the State," approved March 24, 1908.

H. B. 184. An act to repeal and re-enact Subsection 8, of Section 4426a, Kentucky Statutes (Carroll's edition 1909), in regard to the County High School.

H. B. 101. An act to designate a State Flower and a State Tree.

S. B. 36. An act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges.

H. B. 433. An act to regulate the admission of attorneys to practice law in this Commonwealth.

H. B. 344. An act to amend an act entitled "An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

H. B. 250. An act to authorize the auditing and provide for the payment of the deficit occasioned by the Houses of Reform.

H. B. 327. An act to amend an act entitled "An act to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth class, and to enable Boards of School Trustees of cities of the first and second class to establish and maintain parental

or truant schools for the care and discipline of truant children and for the purpose of reducing truancy.''

S. B. 55. An act to provide for inspection of schools and school funds of the State and increase the efficiency of the Department of Education.

H. B. 328. An act in relation to public schools, teachers therein; examinations for certificates and the eligibility of a teacher to hold the office of Superintendent of County Schools.

H. B. 220. An act to repeal Subsection 5, of Section 1403, Kentucky Statutes and substitute therefor, which act relates to the personal property set aside to widow or infants of an intestate.

H. B. 278. An act to repeal Section 2569a of the Kentucky Statutes.

H. B. 282. An act to amend an act entitled ''An act to amend an act entitled: 'An act to amend Section 4315, Kentucky Statutes, in Chapter 110 of Kentucky Statutes,' '' approved March 24, 1908.

H. B. 304. An act providing for the amendment of Section 201 of the Constitution of the Commonwealth of Kentucky.

H. B. 352. An act to prevent cigarette smoking by minors and providing a penalty therefor.

H. B. 297. An act to provide a system for the assessment, levy and collection of taxes in towns of the sixth class.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles and ordered to be placed in the Orders of the Day.

A message was received from the Senate announcing that they had adopted a resolution entitled,

S. Res. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

Which was ordered to lie on the Clerk's desk.

That they had bills of the following titles, viz.:

1. S. B. 2. An act to amend Section 4020 of the Kentucky Statutes, Carroll's edition 1909.

2. S. B. 28. An act to amend an act entitled, "An act to amend Sections 124 and 125 of an act entitled 'An act for the government of cities of the first class' approved July 1, 1893," approved March 21, 1902.

3. S. B. 46. An act for the benefit of the Kentucky Institution for the education of the Blind by making an appropriation therefor and providing for the periods of payment.

4. S. B. 149. An act designating and setting aside certain rooms in the Capitol building for the use of Senate and House of Representatives, and providing for the care of same, and penalties for the injury or conversion of same.

Said bills were ordered to be printed and referred,

1. To Committee on Judiciary.

2. To Committee on Municipalities.

3. To Committee on Charitable Institutions.

4. To Committee on State Capitol.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 105. An act to provide for payment to all jurors summoned for service in the Circuit Courts of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons summoned to appear for service as jurors in the Circuit Courts of the Commonwealth of Kentucky from the time they actually appear in Court in response to the summons until finally discharged by order of the Court shall be paid for such services in so attending by the trustee of the jury fund the same per diem that is paid to those who actually serve as grand or petit jurors as the case may be.

§ 2. This act is not to include anyone who is summoned as a juror and before any actual service is excused at his own request.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl	V. D. Hammond	Luther C. Owings
Robert H. Akin	A. B. Hatton	William A. Perry
George Baker	A. B. Holland	John A. Polin
J. M. Bean	John W. Holland	S. L. Robertson
Eli Berry	Earl C. Huntsman	S. H. Rogers
Thos. M. Bertram	W. J. Jackson	H. A. Schoberth
Hiram Brown	Green R. Keller	W. A. Shawler
Wallace Brown	John G. Kelley	Walter S. Sinclair
Wm. L. Bowling	W. E. King	W. Scott Smith
G. E. Carroll	M. C. Kirk	Adam Spahn
George P. Chinn	Charles H. Knight	A. H. Stamper
Sidney G. Clay	William J. Kuh	John G. Stoll
Elkanah Dickey	F. A. Lochry	Henry Thomas
Ben F. Egleston	B. J. Matthews	C. B. Thompson
Eli Farmer	Emanuel Meyer	E. B. Thompson
John F. Fryer	S. F. Middleton	D. B. Thurman
T. J. Gregory	R. C. McClure	J. H. Williams
Joe Hall	Ben E. Niles	B. S. Wilson
Elwood Hamilton	L. B. Owen	Edward L. Young

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Those who voted in the negative were—

Eugene G. Asher	G. L. Drury	D. Clarence Gray
A. V. Bertram	J. H. Elder	L. B. Herrington
E. Bishop	S. Walton Forgy	James R. Howell

James A. Leach	W. A. Price	Charles Yancy
A. W. Palmer	E. B. Wiley	

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Resolved that the title thereof be as aforesaid.

Mr. Wilson moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

Said motion was agreed to.

Pending the consideration of said bill the hour of 12:30 o'clock p. m. having arrived,

The House took up for consideration the Special Order of the Day for that hour a bill entitled,

H. B. 43. An act to amend an act entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

Together with the Substitute Amendment heretofore proposed to said bill by the Committee on State Prisons and Houses of Reform.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of said Act of March 5, 1898, be stricken out, and that with the striking out of said section there is hereby abolished the Board of Prison Commissioners created thereby, and that there be inserted in lieu of said section the following:

That a Board of Commissioners is hereby created to manage and govern the penitentiaries of this Commonwealth. Said board shall consist of four members to be appointed by the Governor of this Commonwealth, by and with the advice and consent of the Senate, upon the passage and approval of this act. Of the first four members of the Board of Prison Commissioners to be appointed under this act, two shall be appointed for a term of two years. The Governor shall thereafter, biennially, appoint, with the advice and consent of the Senate, two members of the Board of Prison Commissioners as successors of the members whose terms of office shall then expire. The full term of each and every Commissioner as thereafter appointed shall be four years.

Of the said two Commissioners to be appointed for two years aforesaid and of the said two Commissioners to be appointed for four years, as aforesaid, under this act, one of each of said set of two shall be selected from the political party which cast the highest vote in the last General State election, and the other shall be selected from the political party which cast the next highest vote in the said State election; and thereafter, as the terms of two of the said board shall biennially expire, the Governor shall fill such vacancies, in like manner, by selecting one member from each of the two leading political parties as aforesaid, the purpose in this regard being to make said board bi-partisan.

If the vote of the members of the Board of Prison Com-

missioners shall be a tie on any question arising before it, then the members thereof, or any two members, may certify to the Governor the question on which the vote resulted in a tie, and thereuopn the Governor shall hear the question and cast the deciding vote thereon, and his decision shall be the decision of the Board, and he shall certify the same to the Board.

Before entering upon their duties as said Commissioners, they shall each severally execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars for the faithful discharge of their duties, said bond to be approved by the Chief Justice of the Court of Appeals and filed with the Auditor of Public Accounts. Said Commissioners shall each receive as compensation for their services two thousand dollars per annum, payable monthly out of the State Treasury, and traveling expenses when in discharge of their duties. No person shall be appointed to the office of Penitentiary Commissioner hereby created who has not been a citizen of Kentucky continuously for the last five years previous to and up to the time of his election or appointment, and who is not twenty-five years of age, nor shall any one be appointed to said office who is a contractor in any penitentiary in this State, or the agent or employee of any such contractor, or who is interested, directly or indirectly, in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this State, or the United States; and no such commissioner shall hold any other office or accept any appointment under this or any other law of this State during his continuance in office as such commissioner. Vacancies in said board occassioned by death, resignation, or otherwise, shall be filled by appointment by the Governor or until the next meeting of the Senate, when the Governor shall make

an appointment, by and with the advice and consent of the Senate, for the remainder of said term, if there be any remainder. The Governor may, when the Senate is not in session, make removals of the members of said board for cause, to be stated in writing, and may fill the vacancies thereby created in the board, subject to the approval of the Senate when it convenes, and, in any case of removal, the Governor shall submit the facts and reasons to the Senate for approval, and the Senate shall have power to reinstate such persons removed.

On a commissioner violating any of the provisions of this section, he shall, ipso facto, forfeit his office and the same shall be declared vacant. Vacancy in said board occasioned by death, resignation, removal or otherwise, shall be filled by appointment by the Governor, but appointments to fill vacancies shall be for the unexpired term only.

The duties of said Board of Prison Commissioners to be appointed by the Governor shall be the same as now imposed by law upon the Board of Prison Commissioners, heretofore elective by the General Assembly, and said duties are hereby imposed upon the Prison Commissioners to be appointed under this act.

The Governor may, for cause stated in writing, remove any or all the members of said Board of Prison Commissioners.

§ 2. That the terms of office of the present members of said Board of Prison Commissioners be and the same are hereby terminated upon the passage and approval of this act, and said Commissioners are hereby removed from office as authorized by law.

The offices of wardens, deputy wardens, assistant deputy wardens, prison guards, clerks, and all other offices shall continue in existence as heretofore created, but, provided, that they shall be filled by appointment for a term of four years and shall not be removed by the Commissioners, except after public hearing upon charges preferred against them, or any of them, in writing, for any of the followins causes, to-wit: political activity, insubordination, dereliction of duty, violation of the rules of management of said prisons, or cruelty to prisoners, and, when so removed by the commissioners, an appeal may be taken and heard by the Governor, and his action shall be final. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. Whereas, it is to the interest of the public that this law take effect at once, an emergency is declared to exist, and this act shall take full effect from and after its passage and approval by the Governor.

The Substitute amendment thereto as proposed by the aforesaid Committee is as follows, viz.:

An Act to amend an act entitled: "An act to create a Board of Penitentiary Commissioners and Regulate the Penal Institutions of this Commonwealth," and passed on the 5th day of March, 1898, over the veto of the Governor of Kentucky, and the same being the veto beginning on page 8 and running to and including page 26 of the Printed Acts of the Session of 1898 of the General Assembly of Kentucky, and to further regulate the management of the Penal Institutions of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of Chapter 4 of the act of March 5, 1898, be amended and re-enacted so that when re-enacted and amended, the same shall read as follows:

That a Board of Prison Commissioners is hereby created to manage and govern the penitentiaries of this Commonwealth. Said Board shall consist of four members to be appointed by the Governor of this Commonwealth, by and with the advice and consent of the Senate. Of the first four members of the Prison Commission to be appointed under this act, two shall be appointed for a term of two years. The Governor shall thereafter, biennially, appoint, with the advice and consent of the Senate, two members of the Board of Prison Commissioners as successors of the members whose terms of office shall then expire. The full term of each and every Commissioner as thereafter appointed shall be four years.

Of the said two Commissioners to be appointed for two years aforesaid and of the said two Commissioners to be appointed for four years, as aforesaid, under this act, one of each of said set of two shall be selected from the political party which cast the highest vote in the last general State election, and the other shall be selected from the political party which cast the next highest vote in the said State election; and thereafter, as the terms of two of the said Board shall biennially expire, the Governor shall fill such vacancies, in like manner, by selecting one member from each of the two leading political parties as aforesaid, the purpose in this regard being to make said Board bi-partisan.

If the vote of the members of the Board of Prison Commissioners shall be a tie on any question arising before it, then the members thereof, or any two members, may certify

to the Governor the question on which the vote resulted in a tie, and thereupon the Governor shall hear the question and cast the deciding vote thereon, and his decision shall be the decision of the Board, and he shall certify the same to the Board.

Before entering upon their duties as said Commissioners, they shall each severally execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars for the faithful dischare of their duties, said bond to be approved by the Chief Justice of the Court of Appeals and filed with the Auditor of Public Accounts. Said Commissioners shall each receive as compensation for their services two thousand and four hundred dollars per annum, payable monthly out of the State Treasury, and traveling expenses when in discharge of their duties. No person shall be appointed to the office of Penitentiary Commissioner hereby created who has not been a citizen of Kentucky continuously for the last five years previous to and up to the time of his appointment, and who is not twenty-five years of age, nor shall any one be appointed to said office who is a contractor in or with any penitentiary in this State, or the agent, attorney, or employee of any such contractor, or who is interested, directly or indirectly, in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this State, or the United States; and no such Commissioner shall hold any other office or accept any appointment under this or any other law of this State during his continuance in office as such Commissioner. Nor shall any Commissioner or any employee of the Board or penitentiaries accept any fee for any purpose from any corporation or individual who has at the time, or has had, a contract with said Commissioners or penitentiaries, to do anything connected therewith. Vacancies in said Board

occasioned by death, resignation or otherwise, shall be filled by appointment by the Governor, and in case the Senate is not in session, until the next meeting of the Senate, when the Governor shall make an appointment, by and with the advice and consent of the Senate, for the remainder of said term, if there be any remainder. The Governor may, when the Senate it not in session, make removals of the members of said Board for cause, to be stated in writing, and may fill the vacancies thereby created in the Board, subject to the approval of the Senate when it convenes, and in any case of removal, the Governor shall submit the facts and reasons to the Senate for approval, and the Senate shall have power to reinstate such person removed.

On a Commissioner violating any of the provisions of this section, he shall, ipso facto, forfeit his office and the same shall be declared vacant. The appointee to any vacancy, whether said vacancy be caused by death, resignation, dismissal, forfeiture of office, or otherwise, shall have the same political affiliations as the Commissioner whose place he fills, so that the intention of this act, to-wit: That the board shall at all times be bi-partisan, may be carried into effect.

The duties of said Board of Prison Commissioners to be appointed by the Governor shall be the same as now imposed by law upon the Board of Prison Commissioners, heretofore elective by the General Assembly, and said duties are hereby imposed upon the Prison Commissioners to be appointed under this act.

The Governor may, for cause stated in writing, remove any or all the members of said Board of Prison Commissioners.

§ 2. That the terms of office of the present members of said Board of Prison Commissioners be and the same are hereby terminated, and said Commissioners are hereby removed from office as authorized by law.

The offices of wardens, deputy wardens, assistant deputy wardens, prison guards, clerks, and all other offices shall continue in existence as heretofore created, but provided, that they shall be filled by appointment for a term of four years and shall not be removed by the Commissioners, except after public hearing upon charges preferred against them, or any of them, in writing, for any of the following causes, to-wit: Political activity, insubordination, dereliction of duty, violation of the rules of management of said prisons, or cruelty to prisoners.

§ 3. The board shall make rules and regulations for the strictly non-partisan management of the institutions under its control. Any member of employee of the board, or any officer or employee of any institution under its control, who shall engage in political activity or who shall in any manner contribute, or cause to be contributed, money or any other thing of value to any person for election purposes, or who shall influence or attempt to influence legislation through the instrumentality of his official position, shall be removed from his office or position, by the board in case of an officer or employee, and by the Governor in case of a member of the Board. Any person or persons wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than $50 nor more than $1,000.

§ 4. The board may make such investigations as it may deem necessary for the performance of its duties, and to

that end it or any member thereof shall have the same power as a Justice of the Peace to administer oaths and enforce the attendance of witnesses and the production of books and papers. It shall keep a record of such investigations, stating the time, place, charges or subject, witnesses examined, and its conclusions.

§ 5. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. Keller offered the following amendment to the original bill, viz.:

Strike out all of the part of Section 1, which reads as follows:

"Of the said Commissioners to be appointed for two years aforesaid, and of the two Commissioners to be appointed for four years as aforesaid, under this act, one of each of said set of two shall be selected from the political party which cast the highest vote in the last general State election, and the other shall be selected from the political party which cast the next highest vote in the State election; and thereafter, as the terms of two of the said board shall biennially expire, the Governor shall fill such vacancies, in like manner by selecting one member from each of the two leading political parties as aforesaid, the purpose in this regard being to make said board bi-partisan."

And insert in lieu thereof, the following:

"The two members of the present Board of Penitentiary Commissioners elected by the General Assembly of 1910 to serve a term of four years, and whose terms expire

March 10, 1914, shall continue members of the Board herein created until the expiration of their term. The Governor shall, upon the passage and approval of this act, appoint two Commissioners. Upon the expiration of the terms of the members of the present Board of Penitentiary Commissioners, the Governor shall make appointments to said Board in such a way that two members of the Board shall be members of the political party which cast the highest vote in the last general State election, and the other two members shall be selected from the political party which cast the next highest vote in the State election, and thereafter, as the terms of two of the said Board shall biennially expire, the Governor shall fill such vacancies by selecting his appointees from the two leading political parties as aforesaid; the purpose in this regard being to make said Board bi-partisan."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Hamilton and Niles were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Allie T. Gaines	Emanuel Meyer
Eugene G. Asher	Joe Hall	R. C. McClure
George Baker	A. B. Hatton	W. N. McCubbin
A. V. Bertram	John W. Holland	W. F. Parker
Thos. M. Bertram	Earl C. Huntsman	S. H. Rogers
Hiram Brown	Green R. Keller	Walter S. Sinclair
Wm. L. Bowling	John G. Kelley	A. H. Stamper
Sidney G. Clay	M. C. Kirk	John G. Stoll
Sidney J. Collins	F. A. Lochry	E. B. Thompson
W. L. Craig	B. J. Matthews	J. H. Williams
Eli Farmer		

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Those who voted in the negative were—

Robert H. Akin	T. J. Gregory	A. W. Palmer
J. M. Bean	Elwood Hamilton	J. R. Paxton
Eli Berry	V. D. Hammond	William A. Perry
E. Bishop	L. B. Herrington	Marion F. Pogue
H. C. Blades	A. B. Holland	W. A. Price
Wallace Brown	James R. Howell	Stanley F. Reed
C. W. Burton	R. Dillard Hunter	Robt. H. Scott
G. E. Carroll	W. J. Jackson	W. A. Shawler
George P. Chinn	W. E. King	W. Scott Smith
Henry Chunn	Charles H. Knight	Adam Spahn
Elkanah Dickey	William J. Kuh	C. B. Thompson
G. L. Drury	James A. Leach	David P. Thurman
Ben F. Egleston	Hugh Mahin	Louis B. Tieman
J. H. Elder	S. F. Middleton	E. B. Wiley
John M. Farra	Ben E. Niles	B. S. Wilson
S. Walton Forgy	L. B. Owen	Charles Yancy
D. Clarence Gray	Luther C. Owings	Edward L. Young

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Mr. Hamilton offered the following amendment as a substitute for the bill and pending Committee substitute, viz.:

An act to amend an act entitled: "An act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth," and passed on the 5th day of March, 1898, over the veto of the Governor of Kentucky, and same being the veto beginning on page 8 and running to and including page 26 of the Printed Acts of the Session of 1898 of the General Assembly of Kentucky, and to further regulate the management of the Penal Institutions of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1, of Chapter 4 of the act of March 5, 1898, and 3795 of Carroll Statutes be amended and re-enacted so that when re-enacted and amended the same shall read as follows:

That a Board of Prison Commissioners is hereby created to govern the penitentiaries of this Commonwealth. Said Board shall consist of three members to be appointed by the Governor of this Commonwealth by and with the advice and consent of the Senate; one of said Commissioners shall be appointed to be determined by lot by Commissioners appointed, for a term of two years, and the two remaining Commissioners be appointed for a term of four years, or until their successors are appointed and qualified. The Governor of this Commonwealth shall, with the advice and consent of the Senate, in 1914, appoint a successor to the Commissioner whose term of office expires in two years under the provisions of this act. And he shall, in the year 1916, appoint two Commissioners to succeed those whose term of office expires in four years under the provisions of this act. And he shall, at each alternate session of the General Assembly, appoint one and two members respectively to succeed those whose office shall expire under the provisions of this act. The full term of each and every Commissioner, as thereafter appointed, shall be four years. Said Commissioners shall be ineligible to succeed themselves except the one who shall be appointed for two years under the provision of this act, and he shall be eligible to succeed himself for one full term of four years after serving his first term of two years.

Before entering upon their duties as said Commissioners they shall severally execute bond to the Commonwealth of Kentucky in the sum of twenty-five thou-

sand dollars for the faithful discharge of their duties, said bond to be approved by the Chief Justice of the Court of Appeals and filed with the Auditor of Public Accounts. Said Commissioners shall receive as compensation for their services two thousand and four hundred dollars per annum, payable monthly out of the State Treasury, and traveling expenses when in discharge of their duties. No person shall be appointed to the office of Penitentiary Commissioner hereby created who has not been a citizen of Kentucky continuously for the last five years previous to and up to the time of his appointment, and who is not twenty-five years of age, nor shall any one be appointed to said office who is a contractor in or with any penitentiary in this State, or the agent, attorney, or employee of any such contractor, or who is interested, directly or indirectly, in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this State, or the United States; and no such Commissioner shall hold any other office or accept any appointment under this or any other law of this State during his continuance in office as such Commissioner. Nor shall any Commissioner or employee of the Board or penitentiaries accept any fee for any purpose from any corporation or individual who has at the time, or has had, a contract with said Commissioners or penitentiaries, to do anything connected therewith. Vacancies in said Board occasioned by death, resignation or otherwise, shall be filled by appointment by the Governor, and in case the Senate is not in session, until the next meeting of the Senate, when the Governor shall make an appointment, by and with the advice and consent of the Senate, for the remainder of said term, if there be any remainder. The Governor may, when the Senate is not in session, make removals of the members of said Board for cause, to be stated in writing, and may fill the vacancies

thereby created in the Board subject to the approval of the Senate when it convenes, and in any case of removal the Governor shall submit the facts and reasons to the Senate for approval, and the Senate shall have power to reinstate such person removed.

On a Commissioner violating any of the provisions of this section, he shall ipso facto, forfeit his office and the same shall be declared vacant.

The duties of said Board of Prison Commissioners to be appointed by the Governor shall be the same as now imposed by law upon the Board of Prison Commissioners, heretofore elective by the General Assembly, and said duties are hereby imposed upon the Prison Commissioners to be appointed under this act.

The Governor may, for cause stated in writing, remove any or all the members of said Board of Prison Commissioners.

§ 2. That the terms of office of the present members of said Board of Prison Commissioners be and the same are hereby terminated, and said Commissioners are hereby removed from office as authorized by law.

The offices of wardens, deputy wardens, assistant deputy wardens, prison guards, clerks, and all other offices shall continue in existence as heretofore created, but provided, that they shall be filled by appointment for a term of four years and shall not be removed by the Commissioners, except after public hearing upon charges preferred against them, or any of them, in writing, for any of the following causes, to-wit:

Political activity, insubordination, derelection of duty,

violation of the rules of management of said prisons, or cruelty to prisoners.

§ 3. The Board shall make rules and regulations for the strictly non-partisan management of the institutions under its control. Any member or employee of the board, or any officer or employee of any institution under its control, who shall engage in political activity or who shall in any manner contribute, or cause to be contributed, money or any other thing of value to any person for election purposes, or who shall influence or attempt to influence legislation through the instrumentality of his official position, shall be removed from his office or position by the board in case of an officer or employee, and by the Governor in case of a member of the Board. Any person or persons wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than $50 nor more than $1,000.

§ 4. The board may make such investigations as it may deem necessary for the performance of its duties, and to that end it or any member thereof shall have the same power as a Justice of the Peace to administer oaths and enforce the attendance of witnesses and the production of books and papers. It shall keep a record of such investigations, stating the time, place, charges or subject, witnesses examined, and its conclusions.

§ 5. All act and parts of acts in conflict with this act are hereby repealed.

Mr. Keller offered the following amendment by way of substitute to said bill, viz.:

An act to amend an act entitled, "An act to create a

Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth," which became a law March 5, 1898, be amended by striking therefrom all of Section 1 thereof and inserting in lieu thereof the following, so that said section when amended shall read as follows:

"A Board of Commissioners is hereby created to govern the Penitentiaries and the Houses of Reform of this Commonwealth. Said Board shall consist of three members. Each of said members shall hold office for a term of four years or until his successor is elected and qualified, except as hereinafter provided. One of said Commissioners shall act as Chairman, and each of said Commissioners is authorized to administer oaths, and two of them shall constitute a quorum for the transaction of business. The office of the Commissioners shall be at the seat of government and it shall be provided with suitable offices, furniture and stationery by the State, and may appoint a Secretary of said Board. Each Commissioner shall, before entering upon the duties of office, take oath to discharge faithfully the duties thereof, and each of them shall receive an annual salary of twenty-six hundred dollars, as compensation for his services and shall also receive his actual expenses incurred in discharge of his duty payable monthly out of the State Treasury. No person shall be eligible to the office of Penitentiary Commissioner who has not been a citizen of Kentucky continuously for the last five years previous to and up to the time of his election, and who is not twenty-five years of age, and

who is a contractor in the penitentiary, or the agent or employee or indirectly in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this State; and no such Commission shall hold any other office or accept any appointment under this or any other law of this State during his continuance in office as such Commissioner. Vacancies in said board occasioned by death, resignation or otherwise shall be filled by appointment by the Governor until the next regular election at which either State or county officers are chosen, at which election such vacancies shall be filled by election in the same manner as provided hereinafter for the election of said Commissioners provided the vacancy to be filled has occurred more than three months before such election. Said Commissioners shall hold monthly meetings at the seat of government for the transaction of business, and shall, as a body, meet once each month at each of the institutions under its control. The terms of the officers of the penitentiaries and Houses of Reform, and the terms of the guards shall be for a term of four years, and none of said officers or employees shall be removed except for cause, to be stated in writing and entered upon the minutes of said board. The Commissioners shall before entering upon the discharge of their duties, execute a bond to the Commonwealth of Kentucky in the penal sum of twenty-five thousand dollars for the faithful discharge of their duties, said bond to be approved by the Auditor of Public Accounts and filed with the Auditor of Public Accounts. At the regular general election for State officers in November, 1915, and every four years thereafter, there shall be elected a Penitentiary Commissioner from each of the districts hereinafter designated by the qualified voters of said district, and each of said Commissioners shall assume the duties of his office on the first Monday in January succeeding his election, and shall hold the same for four years and until his successor is elected and qualified.

For the purpose of electing the Prison Commissioners, the State is divided into three districts corresponding with the Railroad Commission Districts.

The first district shall be composed of the counties of Meade, Hardin, Larue, Hart, Metcalfe, Barren, Monroe, Allen, Simpson, Warren, Edmonson, Grayson, Breckinridge, Hancock, Ohio, Butler, Logan, Todd, Muhlenburg, McLean, Daviess, Henderson, Webster, Hopkins, Christian, Trigg, Caldwell, Lyon, Crittenden, Union, Livingston, Marshall, Calloway, Graves, McCracken, Ballard, Hickman, Fulton, and Carlisle.

The second district shall be composed of the counties of Gallatin, Owen, Fayette, Jessamine, Pulaski, Wayne, Clinton, Russell, Casey, Lincoln, Garrard, Boyle, Mercer, Anderson, Woodford, Franklin, Henry, Oldham, Carroll, Trimble, Jefferson, Shelby, Spencer, Bullitt, Nelson, Washington, Marion, Taylor, Greene, Adair and Cumberland.

The third district shall be composed of the counties of Boone, Kenton, Grant, Harrison, Bourbon, Clark, Estill, Madison, Jackson, Laurel, Rockcastle, Whitley, Knox, Bell, Harlan, Leslie, Perry, Letcher, Floyd, Pike, Martin, Johnson, Breathitt, Clay, Owsley, Lee, Powell, Montgomery, Bath, Nicholas, Fleming, Robertson, Pendleton, Bracken, Campbell, Lewis, Monroe, Greenup, Rowan, Carter, Elliott, Boyd, Lawrence, Morgan, Magoffin, Wolfe, Menifee and Knott.

Until the first Monday in January following the election of Prison Commissioners from three districts hereinbefore named, at the general election in 1915 the Board of Penitentiary Commissioners shall be composed of the two

members of the present Board of Penitentiary Commissioners who were elected by the General Assembly in 1910 to serve a term of four years, and the member of said board that shall be elected by the General Assembly at its session of 1912. These three members shall compose the board of Penitentiary Commissioners hereby created in said election by the people as hereinabove provided.

All acts and parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

Mr. C. B. Thompson moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Hamilton moved the previous question on the bill and all pending amendments.

The Speaker stated shall the main question be now put?

The question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Keller and Kirk were as follows, viz .:

Those who voted in the affirmative were—

Robert H. Akin	G. E. Carroll	S. Walton Forgy
J. M. Bean	George P. Chinn	D. Clarence Gray
Eli Berry	Henry Chunn	T. J. Gregory
E. Bishop	Elkanah Dickey	Elwood Hamilton
H. C. Blades	G. L. Drury	V. D. Hammond
Wallace Brown	Ben F. Egleston	L. B. Herrington
C. W. Burton	John M. Farra	A. B. Holland

James R. Howell	L. B. Owen	Adam Spahn
R. Dillard Hunter	Luther C. Owings	C. B. Thompson
W. J. Jackson	J. R. Paxton	D. B. Thurman
W. E. King	William A. Perry	Louis B. Tieman
Charles H. Knight	Marion F. Pogue	E. B. Wiley
William J. Kuh	John A. Polin	Charles Yancy
James A. Leach	Stanley F. Reed	Edward L. Young
S. F. Middleton	S. H. Rogers	
Ben E. Niles	W. A. Shawler	—46

Those who voted in the negative were—

William Ahl	Joe Hall	A. W. Palmer
Eugene G. Asher	A. B. Hatton	W. F. Parker
George Baker	Earl C. Huntsman	W. A. Price
A. V. Bertram	Green R. Keller	H. A. Schoberth
Thos. M. Bertram	John G. Kelley	Robt. H. Scott
Hiram Brown	M. C. Kirk	Walter S. Sinclair
Wm. L. Bowling	F. A. Lochry	W. Scott Smith
Sidney G. Clay	Hugh Mahin	A. H. Stamper
Sidney J. Collins	B. J. Matthews	John G. Stoll
W. L. Craig	Emanuel Meyer	Henry Thomas
J. H. Elder	Harry J. Meyers	E. B. Thompson
Eli Farmer	R. C. McClure	J. H. Williams
Allie T. Gaines	W. N. McCubbin	B. S. Wilson
		—39

The question was taken on the adoption of the substitute as proposed by Mr. Hamilton and it was in the affirmative.

The yeas and nays being required thereon by Messrs. Hamilton and Niles were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Eli Berry	H. C. Blades
J. M. Bean	E. Bishop	Wallace Brown

C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
W. L. Craig
Elkanah Dickey
G. L. Drury
Ben F. Egleston
John M. Farra
S. Walton Forgy
T. J. Gregory
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
Hugh Mahin
Harry J. Meyers
S. F. Middleton
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
Marion F. Pogue
John A. Polin
Stanley F. Reed
S. H. Rogers
H. A. Schoberth
W. A. Shawler
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell

—55

Those who voted in the negative were—

William Ahl
Robert H. Akin
George Baker
Thos. M. Bertram
Hiram Brown
Wm. L. Bowling
Sidney G. Clay
Sidney J. Collins
J. H. Elder
Eli Farmer
Allie T. Gaines
D. Clarence Gray
Joe Hall
Earl C. Huntsman
Green R. Keller
John G. Kelley
M. C. Kirk
F. A. Lochry
B. J. Matthews
Emanuel Meyer
R. C. McClure
W. N. McCubbin
W. F. Parker
W. A. Price
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
John G. Stoll
Henry Thomas
E. B. Thompson
J. H. Williams

—31

The question was then taken on the adoption of the substitute as offered by Mr. Keller and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Keller and Kirk were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Eli Farmer	Emanuel Meyer
George Baker	Allie T. Gaines	Harry J. Meyers
J. M. Bean	D. Clarence Gray	R. C. McClure
A. V. Bertram	Joe Hall	W. N. McCubbin
Thos. M. Bertram	John W. Holland	W. F. Parker
E. Bishop	Earl C. Huntsman	Robt. H. Scott
Hiram Brown	Green R. Keller	Walter S. Sinclair
Wm. L. Bowling	John G. Kelley	W. Scott Smith
Sidney G. Clay	M. C. Kirk	John G. Stoll
Sidney J. Collins	F. A. Lochry	Henry Thomas
W. L. Craig	B. J. Matthews	E. B. Thompson

—33

Those who voted in the negative were—

William Ahl	A. B. Hatton	Marion F. Pogue
Eugene G. Asher	L. B. Herrington	John A. Polin
Eli Berry	A. B. Holland	W. A. Price
H. C. Blades	James R. Howell	Stanley F. Reed
Wallace Brown	R. Dillard Hunter	S. H. Rogers
C. W. Burton	W. J. Jackson	H. A. Schoberth
G. E. Carroll	W. E. King	W. A. Shawler
George P. Chinn	Charles H. Knight	Adam Spahn
Elkanah Dickey	William J. Kuh	C. B. Thompson
G. L. Drury	James A. Leach	D. B. Thurman
Ben F. Egleston	Ben E. Niles	Louis B. Tieman
J. H. Elder	L. B. Owen	E. B. Wiley
John M. Farra	Luther C. Owings	B. S. Wilson
S. Walton Forgy	A. W. Palmer	Charles Yancy
T. J. Gregory	J. R. Paxton	Edward L. Young
Elwood Hamilton	William A. Perry	Speaker Terrell
V. D. Hammond		

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Ordered that said bill as amended by the substitute offered by Mr. Hamilton be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	A. B. Holland	Marion F. Pogue
J. M. Bean	John W. Holland	John A. Polin
Eli Berry	James R. Howell	W. A. Price
H. C. Blades	R. Dillard Hunter	Stanley F. Reed
Wallace Brown	W. J. Jackson	S. H. Rogers
C. W. Burton	W. E. King	H. A. Schoberth
G. E. Carroll	Charles H. Knight	W. A. Shawler
George P. Chinn	William J. Kuh	Adam Spahn
Henry Chunn	James A. Leach	A. H. Stamper
Elkanah Dickey	Hugh Mahin	C. B. Thompson
G. L. Drury	Harry J. Meyers	D. B. Thurman
Ben F. Egleston	S. F. Middleton	Louis B. Tieman
John M. Farra	Ben E. Niles	E. B. Wiley
S. Walton Forgy	L. B. Owen	B. S. Wilson
T. J. Gregory	Luther C. Owings	Charles Yancy
Elwood Hamilton	A. W. Palmer	Edward L. Young
V. D. Hammond	J. R. Paxton	Speaker Terrell
L. B. Herrington	William A. Perry	

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Those who voted in the negative were—

William Ahl	Sidney J. Collins	M. C. Kirk
Eugene G. Asher	J. H. Elder	F. A. Lochry
George Baker	Eli Farmer	B. J. Matthews
A. V. Bertram	Allie T. Gaines	Emanuel Meyer
Thos. M. Bertram	Joe Hall	R. C. McClure
Hiram Brown	Earl C. Huntsman	W. N. McCubbin
Wm. L. Bowling	John G. Kelley	W. F. Parker

Robt. H. Scott John G. Stoll J. H. Williams
Walter S. Sinclair Henry Thomas
W. Scott Smith E. B. Thompson —26

Resolved that the title of said bill be as follows, viz.:

H. B. 43. An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth and passed on the 5th day of March, 1898, over the veto of the Governor of Kentucky, and same being the veto beginning on page 8 and running to and including page 26 of the printed Acts of the Session of 1898 of the General Assembly of Kentucky, and to further regulate the management of the penal institutions of this Commonwealth.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Niles moved the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 14, 1912.

The House was opened with prayer by the Rev. J. R. Zeigler, of the First Presbyterian Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following petitions were presented, viz.:

By Mr. J. W. Holland:

1. Petition of sundry citizens of Shelby County asking for opportunity to investigate the possible effects of the passage of Senate Bill No. 21, regarding Fire Insurance.

By Mr. Berry:

2. Petition of sundry citizens of Daviess County protesting against the passage of House Bill 263, which would allow physicians in country towns to fill prescriptions.

By Mr. Hiram Brown:

3. Petition of sundry citizens of Christian County asking for the passage of a law permitting the use of schoolhouses for farmers' organizations.

By Mr. Farra:

4. Petition of sundry citizens of Garrard County asking

for the passage of a law permitting the use of schoolhouses for farmers' organizations.

By Mr. Chunn:

5. Peittion of sundry citizens of Calloway County protesting against the passage of any bill requiring a larger license from what is known as the "Wagon men."

By Mr. Pogue:

6. Petition of sundry citizens of Livingston County asking for the passage of a law permitting the use of schoolhouses for farmers' organizations.

By Mr. Price:

7. Petition of sundry residents of Covington protesting against the passage of House Bill No. 117, requiring every package of food sold in package form to be labeled.

By Mr. Akin:

8. Petition of sundry citizens of Caldwell County protesting against the passage of any bill which would put greater restriction or more license on those who sell medicine from wagons.

By same:

9. Petition of sundry citizens of Caldwell County asking for the passage of a bill permitting the use of schoolhouses for farmers' organizations.

By Mr. Craig:

10. Petition of sundry druggists of the City of Mt. Sterling protesting against the passage of House Bill No. 263, allowing physicians the privilege of operating drug stores without being licensed.

By same:

11. Petition of the Tuesday Club of Mt. Sterling and of the Mt. Sterling Woman's Club asking for the passage of a law abolishing the common drinking cup.

By same:

12. Petition of sundry citizens and residents of Mt. Sterling protesting against the passage of House Bill No. 62, regarding the State Board of Insurance Commissioners.

By same:

13. Petition of sundry citizens of Montgomery County protesting against the repeal of the Vital Statistics Law.

By same:

14. Petition of sundry citizens of Montgomery County protesting against the passage of any bill restricting or placing a higher license on those who sell medicines from wagons.

By Mr. Mahin:

15. Petition of sundry citizens of Jessamine County

protesting against the passage of the Newcomb Bill known as the Automobile Bill.

By Mr. McClure:

16. Petition of sundry citizens of Boyd County protesting against the passage of House Bill No. 167, relating to the catching of mussel shells in the Ohio River.

By Mr. Burton:

17. Petition of sundry citizens of Grant County asking for the passage of a law permitting the use of schoolhouses for farmers' organizations.

By Mr. Reed:

18. Petition of sundry citizens of Mason County protesting against the passage of the proposed act to regulate automobiles, known of the Newcomb Act.

By Mr. Hunter:

19. Petition of sundry citizens of Clark County protesting against the passage of any law placing a higher license on men who sell medicines from wagons.

By Mr. Knight:

20. Petition of sundry citizens of Boyd County protesting against the passage of the proposed act to regulate automobiles, known as the Newcomb Bill.

By Mr. Niles:

21. Petititons of sundry citizens of Henderson County asking for the passage of a bill allowing physicians to practice pharmacy in towns containing a population of less than five hundred.

By Mr. Huntsman:

22. Petition of sundry citizens of Allen County protesting against the passage of any bill which restricts or places a higher license on men who sell medicine from wagons.

By Mr. Speaker Terrell:

23. Petition of sundry citizens of Lincoln County asking for the passage of a law permitting the use of school houses for farmers' organizations.

By Mr. Ahl:

24. Petition of sundry citizens of Breckinridge County protesting against the bill to protect and regulate the catching of mussel shells in the Ohio River.

By Mr. Speaker Terrell:

25. Petition of the members of the Fiscal Court of Russell County protesting against the passage of Senate Bill No. 7, relating to the building of a County High School.

By Mr. Wilson:

26. Petition of sundry citizens of Bath County protest-

ing against the passage of the bill known as the Newcomb Automobile Bill.

Which were severally received their reading dispensed with and referred as follows, viz.:

1. To Committee on Insurance—Fire.

2, 7, 8, 10, 13, 14, 19, and 21. To Committee on Public Health.

15, 16, 18, 20, 22, 24, and 26. To Committee on Public Utilities.

3, 4, 5, 6, 9, 17, 23 and 25. To Committee on Education No. 1.

11. To Committee on Tuberculosis.

12. To Committee on Insurance—Life and Accident.

Mr. Bean offered the following resolution, viz.:

Resolved by the House of Representatives.

That Committee on Children's Home be instructed to visit said Home and investigate all matters concerning same, and the Sargeant-at-arms of this House is directed to make arrangements for said visit, and present itemized statement of expenses, which the Clerk of this House will certify to the Auditor of Public accounts to be paid as contingent expense.

Said resolution was adopted.

The Speaker laid before the House the following communication, viz.:

Annual report of the Covington and Cincinnati Bridge Co., December 31, 1910.

Balance, December, 31, 1909			$30,846.95
Receipts—			
Tolls	$140,799.11		
Rents	6,198.65		
Interest	462.38		147,360.14
Expenses—			
Expense	$2,158.77		
Collectors and Employees	16,293.37		
Fuel and Lights	2,479.77		
Repairs	2,692.87		
Taxes	17,640.27		
Legal Expense	1,074.45		
Interest	15,821.82	$58,161.32	
U. S. Gov. Bonds		40,545.00	40,545.00
4 per cent Bridge Bonds		33,000.00	
Dividends		59,840.00	
Balance Dec. 31, 1910		27,305.57	
Total		$218,851.89	$218,851.89

E. O. E.

JNO. A. JOHNSON, Ass't. Secy.

Annual Report of the Covington and Cincinnati Bridge Co., December 31, 1911.

Receipts—

Tolls	$142,145.31	
Rents	4,353.42	
Interest	290.37	
Repairs	1,366.30	
Taxes	565.98	$148,701.38

Expenses—

Expense	$2,619.85		
Collectors and Employees	15,909.20		
Fuel and Lights	1,765.30		
Repairs	36,431.18		
Taxes	23,570.42		
Legal Expenses	1,036.80		
Interest	14,936.90	$96,269.65	
U. S Gov't Bonds		31,220.00	31,220.00
4 per cent Bridge Bonds		17,500.00	
Dividends		59,850.00	
Balance due Dec. 31, 1911		2,287.30	
		$207,226.95	$207,226.95

E. O. E.

JNO. A. JOHNSON, Ass't. Secy.

Which was received and ordered to be spread on the Journal.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 312. An act to amend Chapter 60 of the Legislative acts of the Session of 1910 being an act entitled "An act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State."

By same:

H. B. 227. An act defining cruelty to animals, prescribing means for the prevention thereof and fixing penalties for its violation.

By same:

H. B. 311. An act forcing all individuals, firms or corporations who buy or handle tobacco in Kentucky in the loose leaf or otherwise for speculation or storage or shipments to other States or countries to make a report to the Secretary of State of the number of pounds bought, of the total cost of same.

By Mr. Leach of the Committee on Banks and Banking:

H. B. 355. An act to punish the making or use of false statements to obtain credit.

By same:

H. B. 356. An act concerning Notaries Public who are stockholders of or officers in any bank or trust company.

By same:

H. B. 357. An act to punish statements derogatory to any bank or trust company.

By same:

H. B. 359. An act permitting the payment of bank deposits to either party when made in two names.

By Mr. Polin of the Committee on Circuit Courts:

H. B. 425. An act to amend Section 132 Kentucky Statutes, Carroll's edition, 1909.

By same:

H. B. 329. An act to regulate the time of holding of the terms of the Circuit Courts in the 20th Judicial District.

By Mr. Kelley of the Committee on Cities of the Fifth and Sixth Class:

H. B. 89. An act relating to cities of the Fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes (Carroll's).

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 346. An act amending and re-enacting Section 4850 of Chapter 135, Carroll's edition Kentucky Statutes, changing the time of appeals in will cases from the County to Circuit Courts in this Commonwealth.

By same:

H. B. 375. An act to authorize and to add one additional judge to the Circuit Court for the 17th Circuit Court District, providing for the appointment and election thereof.

By same:

H. B. 376. An act to amend an act entitled "An act the manner of adding one additional judge to Circuit Courts of continuous session in counties constituting separate Judicial districts having one judge, and establishing the division thereof," approved March 6, 1906.

By same:

H. B. 399. An act to amend Sections 1 and 4 of Article 17 of an act of the General Assembly on Kentucky, approved March 15, 1906, entitled "An act relating to revenue and taxation."

By same:

H. B. 47. An act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor.

By same:

H. B. 286. An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof.

By same:

H. B. 123. An act concerning liens and providing for release thereof.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 318. An act to repeal and re-enact Section 950 of the Kentucky Statutes.

By same:

H. B. 206. An act to amend and re-enact Section 4683a of the Kentucky Statutes.

By same:

H. B. 319. An act to amend and re-enact Section 960, Kentucky Statutes.

By same:

H. B. 403. An act to establish a Department of Hotel Inspection, providing for the appointment of Hotel Inspector and Deputy Inspectors.

By same:

S. B. 40. An act to amend an act approved March 8, 1904, entitled "An act to amend an act entitled 'and act for the relief of the Court of Appeals,' approved October 5, 1900."

By Mr. Berry of the Committee on Municipalities:

H. B. 201. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the First and Second Class.

By same:

H. B. 202. An act creating Boards of Education for cities of the second class, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith.

By same:

H. B. 266. An act to amend and re-enact Section 2809, Kentucky Statutes.

By same:

H. B. 265. An act to amend and re-enact certain Sections of the Tenement House law of March 21, 1910.

By Mr. Farra of the Committee on Public Roads and Highways:

H. B. 378. An act to repeal in part an act entitled, "An act to amend the Charter of the Twelve Mile Turnpike company, approved March 1, 1854," which was approved January 22, 1865, and is Chapter 1069 of the Session Act of 1867.

By same:

H. B. 100. An act to provide systems for the control

and management of the construction and maintenance of the public roads and bridges in the various counties of this Commonwealth and to amend Article 1, Chapter 110, Kentucky Statutes, entitled Public Roads, by repealing certain sections thereof which are in conflict with the provisions of this act.

By same:

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture, the Department of Public Roads.

By same:

H. B. 64. An act defining public roads and providing for the maintenance and construction and providing for raising revenues in the counties for construction and maintenance and creating the office of County Road Engineer and prescribing the duties thereof.

By Mr. Price of the Committee on Public Bridges:

H. B. 350. An act to regulate tolls for automobiles on all ferries, bridges, turnpikes and gravel roads in the Commonwealth of Kentucky.

By Mr. Jackson of the Committee on Public Monuments and Historical Records:

H. B. 9. An act to appropriate two ($2,000) thousand dollars to purchase fifteen acres of land in Boyle County, Kentucky surrounding the Confederate grave yard and monument thereof erected by the State of Kentucky to preserve the graves of the Confederate soldiers who were slain at

the battle of Perryville and to erect a small house thereon.

By Mr. Young of the Committee on Revenue and Taxation:

H. B. 133. An act to amend Section 4127, Article 6, relating to revenue and taxation, changing the compensation supervisors.

By same:

H. B. 59. An act to amend and re-enact Section 32, Article 8, Chapter 22, of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and being Section 4154 Kentucky Statutes.

By Mr. Nichols of the Committee on State University and Normal Schools:

H. B. 225. An act for the benefit of the three State Educational Institutions, viz.: State University, Lexington, Kentucky, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing necessary equipment, and for expansion of work; and also providing additional revenues for the maintenance of said institutions.

By Mr. Wilson of the Committee on Suffrage and Elections:

H. B. 251. An act to amend Chapter 50 of the Acts of 1910 of the General Assembly of the Commonwealth of Kentucky, approved March, 21, 1910.

By same:

H. B. 257. An act to provide for officers of the State registering on the day of an election.

By Mr. Leach of the Committee on Banks and Banking:

S. B. 26. An act to establish a Department of Banking, providing for the appointment of a Commissioner, deputy commissioner and examiners thereof and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The Committees to which the same had been referred reported bills of the folling titles with the expression of opinion that said bills ought not to pass.

By Mr. Berry of the Committee on Municipalities:

H. B. 36. An act relating to the government of cities of the first class which provides for compensation to members of the General Council.

By Mr. Williams of the Committee on Railroads:

H. B. 75. An act to define the duty of common carriers of freight respecting the speed of cars of live stock.

The question being taken on ordering said bills to a reading the opinion of the Committee to the contrary notwithstanding is was decided in the negative.

And so said bills were rejected.

Mr. Schoberth of the Committee on Kentucky Statutes which had originated the same reported a bill entitled,

H. B. 474. An act prohibiting the unlawful issuing, selling, exchanging or giving away of any transfer ticket or written or printed instrument giving or purporting to give the right of transfer of any street car or other public conveyance, and prescribing a penalty therefor.

Said bill was read the first time at length, and ordered to be printed and placed on the Calendar.

Mr. Yancy of the Committee on Confederate Home offered the following report, viz.:

To the House of Representatives.

The Committee on Confederate Home visited that Institution as directed by the House and desires to report as follows:

We found the general affairs of the Home in first class shape, and the inmates well provided for and generally quite satisfied. We found that some necessary improvements were needed and have presented a bill to provide for only that which was imperative. We found that it was absolutely necessary that a new heating system be provided, an elevator to carry the old men to the upper stories badly needed, the house needed paint, and some internal improvements, such as new floors as well an new ceilings in dining room and kitchen. These necessary improvements we trust will be provided for by the passage of the bill we have offered.

Which was received and ordered filed.

Mr. J. W. Holland moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Forgy called up for consideration from the Clerk's desk a resolution which originated in the Senate entitled,

S. Res. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

Said resolution is as follows, viz.:

S. R. No. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of the same for the members of the General Assembly and certain officials.

Whereas, It is a matter of importance and convenience that each Senator and Representatives be advised as to the various and detailed steps of Legislation; and

Whereas, It is of proper concern that the citizenry of the State be cognizant of those Legislative matters affecting them in person and property; and

Whereas, There is a publication under the editorship and management of competent and experienced persons known as "The Legislative Digest," the purpose of which is to fully advise from day to day the officials and public of

the Commonwealth as to all matters affecting them in an intelligent, useful and prompt manner; therefore be it,

Resolved, by the Senate of Kentucky, the House of Representatives concurring, that the purpose of the Legislative Digest be approved, and the same be adopted as the official publication of this General Assembly; that the publishers are hereby directed to furnish daily a copy to each member and Chief Clerk of the General Assembly and one to the head of each State Department; That the publishers are allowed the sum of ten ($10.00) dollars for each subscription for the Session, and the Auditor of Public accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded.

Said resolution was read and concurred in.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	John F. Fryer	Hugh Mahin
Eli Berry	Allie T. Gaines	Emanuel Meyer
E. Bishop	Joe Hall	Harry J. Meyers
Hiram Brown	Elwood Hamilton	S. F. Middleton
Wallace Brown	A. B. Hatton	C. B. Nichols
Wm. L. Bowling	A. B. Holland	Ben E. Niles
C. W. Burton	John W. Holland	L. B. Owen
G. E. Carroll	James R. Howell	Luther C. Owings
George P. Chinn	R. Dillard Hunter	A. W. Palmer
Sidney G. Clay	Earl C. Huntsman	W. F. Parker
Elkanah Dickey	Green R. Keller	J. R. Paxton
G. L. Drury	W. E. King	William A. Perry
J. H. Elder	Charles H. Knight	W. V. Perry
John M. Farra	William J. Kuh	Marion F. Pogue
S. Walton Forgy	James A. Leach	W. A. Price

S. L. Robertson	John G. Stoll	E. B. Wiley
H. A. Schoberth	Henry Thomas	J. H. Williams
Robt. H. Scott	E. B. Thompson	Charles Yancy
Adam Spahn	D. B. Thurman	Edward L. Young

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Those who voted in the negative were—

J. M. Bean	D. Clarence Gray	Stanley F. Reed
A. V. Bertram	T. J. Gregory	S. H. Rogers
John F. Brewer	W. J. Jackson	W. Scott Smith
Henry Chunn	R. C. McClure	Yeaman Watkins
Sidney J. Collins	W. N. McCubbin	B. S. Wilson

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Mr. Akin moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 244. An act to regulate the business on insuring or guaranteeing burial or burial expenses.

And that said bill be made the special Order of the Day for today at 1:30 o'clock, p. m.

Said motion was adopted.

Mr. Knight moved that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 194. An act to provide uniform rules regulating the use and speed of all vehicles on the public highways of the State defining motor vehicles and other vehicles and pro-

viding for the registration of motor vehicles and prescribing penalties and civil liabilities for the violation thereof.

And that said bill be made the special Order of the Day for Tuesday, February 20, at 1 o'clock, p. m.

Said motion was adopted.

Mr. Emanuel Meyer moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 134. An act making it a felony for any person to admit to their house or to take or direct to any house for the purpose of prostitution or lewdness any female under the age of sixteen years and fixing the penalty therefor.

And that said bill be made the Special Order of the Day for tomorrow Thursday, February 15, at 12:30 o'clock, p. m.

Said motion was adopted.

A message was received from the Senate announcing that they had passed bills of the following titles,

1. S. B. 10. An act to authorize the Trustees of the Jury Fund to pay persons summoned as jurors in this Commonwealth.

2. S. B. 19. An act granting pensions to disabled and indigent Confederate soldiers.

3. S. B. 48. An act to amend and re-enact Section 2241 and 2242 Kentucky Statutes.

4. S. B. 52. An act permitting Charles Carroll to sue the State for a fee not exceeding $500.00 for legal services performed.

5. S. B. 75. An act to prevent sweating process of prisoners arrested charged with crime and to prevent the admission as evidence of confession obtained by such process in the State of Kentucky.

6. S. B. 110. An act for the benefit of Mrs. William Cromwell.

Said bills were ordered to be printed and referred,

1. To Committee on Kentucky Statutes.

2. To Committee on Confederate Home.

3. To Committee on Circuit Courts.

4 and 5. To Committee on Judiciary.

6. To Committee on Claims.

Mr. Schoberth offered the following resolution, viz.:

Be it resolved by the House of Representatives;

That beginning with Thursday, February 15, the Sessions of the House begin at 10 a. m. on Tuesdays, Wednesdays, Thursdays and Fridays and continue until 1:30. That then a recess be taken until 3 p. m. and the House then re-

convene solely for the purpose of considering the Orders of the Day, and adjourn at 5 p. m.

Said resolution was adopted.

The hour of 12 o'clock having arrived the House took up for consideration from the Orders of the Day the unfinished business from yesterday, to-wit: a bill entitled, H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools, together with the amendment heretofore proposed thereto by the Committee on Education No. 1.

Pending the consideration of said bill the hour of 1:30 p. m. having arrived,

The House took up for consideration the Special Order for that hour, to-wit: a bill entitled,

H. B. 244. An act to regulate the business of insuring or guaranteeing burial or burial expenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every corporation, association, company or individual, engaged or proposing to engage, in this State in the business of insuring or guaranteeing burial or burial expenses of persons, shall before commencing business, or further continuing therein, execute articles of incorporation as now required by law, and file same in the office of the Insurance Commissioners of this State; but before same shall be filed,

said article shall be referred to, and examined by the Attorney General, and if found by him to be conformable to law, he shall certify accordingly and return same with his certificate of such conformity to the Insurance Commissioner, who shall cause said articles, with the certificate of the Attorney General, to be recorded in a book to be kept for that purpose; and shall deliver to such corporations, associations and companies, certified copies of papers so filed and recorded in his office, and all certificates of the Attorney General, together with license of said corporation, association or company, to engage in the business proposed in said application. Upon such certified copies and license being filed in the office of the clerk of the county wherein the corporation is to be located, said corporation and those who may become associated with it, and their successors, shall constitute a body politic or corporate, and lawfully entitled to commence business.

§ 2. That said corporations, associations and companies shall embody in the certificates or policies issued by them a statement showing the name of the person whose funeral shall be furnished and also the name of some other person or persons who may exercise the option as to requiring the certificate or policy to be satisfied by furnishing the funeral and service or paying the stipulated amount in cash or in merchandise; and said certificates or policies shall contain a further statement of the actual cash value of the merchandise and service to be furnished, or cash to be paid, in the event of the death of the beneficiary thereof, or person for whose benefit such certificate or policy was issued, and a failure to so embody such cash value of merchandise or service, or amount of cash to be paid, or name of persons to exercise the option provided for in Section 3 hereof, shall constitute a misdemeanor and shall subject such corporation,

association or company, upon conviction thereof to the penalties provided in Section 9 of this Act.

The beneficiary shall have the right at any time on giving notice in writing to the company issuing the policy to change the person named therein to exercise the option under Section 3 of this Act, and thereupon said person so named shall have the same powers as if he had been originally named in said policy.

§ 3. Upon the maturity of any certificate or policy issued by said corporations, associations or companies by the death of the beneficiary thereof, said policy shall be payable to the other persons or person named therein as entitled thereto, either in cash or by the furnishing of merchandise and service, at the option of such person or persons.

§ 4. That said corporations, associations and companies shall deposit with the Treasurer of this Commonwealth, such sums based upon the reports in this act required to be made to the Insurance Commissioner, so that there shall be at all times on deposit with the Treasurer, double the amount of the liabilities of such companies, corporations or associations. Said liability shall be the aggregate cash value of all certificates or policies outstanding, estimated according to the actuaries table rate of mortality, with interest at the rate of four per centum per annum. Such funds shall be invested in securities in which insurance companies are allowed by law to invest their capital, same to be deposited in trust with the Treasurer of this Commonwealth; but said corporations, associations or companies shall have at all times, on approval of the Insurance Commissioner, the right to exchange such securities, or part thereof, for others of like value and character.

When such corporation, association or company shall discontinue business, or when for any cause a dissolution shall be decreed, or when for sixty days any judgment against it shall remain unsatisfied, the circuit court of any county wherein said corporation, association or company has transacted business, may appoint a receiver to distribute its assets among the holders of its certificates or policies, or other persons having claims against it; the same to be applied, first, on accrued or matured claims, certificates or policies; second, on claims of any other kind or character; third, on payment to members of all dues paid in by them and if a balance remains, after the payment of the above named claims, such balance is to be returned to said corporation, association or company.

§ 5. Such corporations, associations or companies, before doing business in this State, shall file with the Insurance Commissioner a power of attorney such as is required of insurance companies, designating the Insurance Commissioner as its agent upon whom process may be served.

§ 6. All such corporations, associations or companies doing business contemplated by this act, shall pay an annual license tax of one hundred dollars to the State of Kentucky, such tax to be paid through the Insurance Department, as license tax is now paid by insurance companies; and in addition thereto such corporations, associations or companies shall pay the same fees as assessment Life Insurance companies are now required to pay to organize in this State, and shall be subject to the rules and regulations of regular life insurance companies as provided by law.

§ 7. All such corporations, associations or companies shall, on or before the first day of March in each year, make

and file with the Insurance Commissioner, a report of its affairs and operations during the year ending December 31, immediately preceding. Such report shall be upon blank forms furnished and prescribed by the Commissioner and shall be verified under oath by an authorized officer of such corporation, association or company, and the report, or the substance thereof, shall be published in the annual report of the Insurance Commissioner. Such report shall show the number and amount of outstanding policies, bonds and certificates, the number of matured policies, bonds or certificates, and such other information as the commissioner may require to carry out the provisions of this act. Said Commissioner shall have the right to make any examination of the books or affairs of such corporations as is now given by law to the Insurance Commissioner in the examination of other insurance companies. If upon examination of such corporations, associations or companies, by the Commissioner or by a person designated by him, it shall appear that the liabilities of said corporation exceed its resources, and it cannot in a reasonable time, not more than three months from date of the original default, pay its accrued indebtedness in full, he shall report the facts to the Attorney General, who shall, at once, apply to the Franklin Circuit Court, or to any Circuit Court of the county wherein such corporation is located, or does business, for an order closing the business of the corporation, and appointing a receiver for the distribution of its assets among its creditors. No final order shall be made until the corporation shall have ten days' notice of the application. Upon hearing, the court shall have power to make any order that the interests of the corporation and of its policy or certificate holders and other creditors may demand.

§ 8. All policies, certificates, or bonds, hereafter is-

sued to persons within this State, by corporations, or associations or companies, transacting business under this act, shall have attached thereto, a correct copy of the application as signed by the applicant for such policies, certificates or bonds, together with true copies of the constitution, by-laws or other rules, any part of the contract between the parties thereto; and unless so attached and accompanying the policy, no such application, constitution, by-laws or other rules, shall be received as evidence in any controversy between the parties to, or interested in said policy, certificate or bond, and shall not be considered a part of the policy or contract aforesaid.

§ 9. Any corporation, association, company or individual, engaging in the business of insuring or guaranteeing the burial, or burial expenses of persons, who shall fail to comply with the provisions of this act, and whoever receives or solicits applications for, or delivers policies or certificates or bonds, or collects, or attemps to collect, premiums or dues, on policies or certificates or bonds, issued or proposed to be issued, by any corporation, company or individual, that has not complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars; and each day's violation of this act shall be a separate offense.

Any corporation, association, company or individual, furnishing, upon any matured certificate or policy or bond, a burial service, of a value less than that stipulated in such policy or certificate or bond, shall be guilty of a misdemeanor, and upon conviction, fined in the sum of one hundred dollars, and be liable to the person named in the policy to exercise the option provided for in Section 3 of this act, for the use

and benefit of the estate of the deceased beneficiary therein named, for damages for the difference between the actual value of the burial service, and that stipulated in the policy or certificate or bond.

§ 10. All laws inconsistent with this act and the act entitled an act to amend Section 2 of an act entitled "An act to regulate burial associations, corporations and companies, doing business in the State of Kentucky, which became a law March 24, 1906, without the approval of the Governor," which said amendatory act also became a law March 27, 1908, without the approval of the Governor, are hereby repealed.

Mr. Shoberth offered the following amendment to said bill:

Amend by adding thereto the following: Provided, however, than nothing in this act shall be construed to apply to any fraternal organization organized solely for fraternal reasons and purposes.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed, and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Wallace Brown
Wm. L. Bowling
C. W. Burton
Henry Chunn
Sidney G. Clay
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
V. D. Hammond
A. B. Hatton
A. B. Holland
John W. Holland
James R. Howell
W. J. Jackson
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

James A. Leach
E. B. Wiley

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Resolved that the title thereof be as aforesaid.

Mr. Akin moved that the vote by which said bill was

passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The following pair was announced, viz.:

Mr. Gaines with Mr. Huntsman.

Mr. Gaines if voting would vote in the affirmative.

Mr. Huntsman if present and voting would vote in the negative.

The House then resumed the consideration of the Special Order to-wit: a bill entitled,

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

Mr. Freyer offered an amendment to said bill by way of substitute therefor.

Sundry amendments were offered to said substitute.

Mr. Wilson moved that said bill, substitute and pending amendments be recommitteed to the Committee on Education No. 1, and that said substitute and all pending amendments thereto be ordered printed.

Said motion was agreed to.

Mr. Keller moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 235. An act concerning tuberculosis and to provide for the creation of a Commission to be known as the Kentucky Board of Tuberculosis Commissioners; to define its powers and make appropriations therefor and to authorize and to provide for the establishment of districts consisting of one or more than one county and to authorize and provide in such district for the location, erection, organization and management of a district sanitorium for the cure and treatment of tuberculosis and authorizing county and district taxation for the purpose of making an appropriation for the purchase of the necessary land and construction and equipment of necessary buildings and an annual appropriation for the maintenance of such sanitorium. And that said bill be recommitted to the Committee on Tuberculosis with leave to report at any time.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 15, 1912.

The House was opened with prayer by the Rev. H. G. Turner of the Methodist Episcopal Church South, of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Ahl:

H. B. 475. An act to provide for the payment to sheriffs or other peace officers for guarding juries in felony cases when ordered by the Court.

To Committee on Circuit Courts.

By Mr. Thurman:

H. B. 476. An act to prohibit tobacco werehouses or warehousemen from charging a commission and fixing the penalty therefor.

To Committee on Public Warehouses and Granaries.

By Mr. Thomas:

H. B. 477. An act to repeal Chapter 274, Acts 1883-4, incorporating the town of Yosemite, in Casey County, approved March 3, 1884.

To Committee on Cities of the Fifth and Sixth Class.

By Mr. Hiram Brown:

H. B. 478. An act to amend Section 2740, Kentucky Statutes, by changing the City of Hopkinsville from a city of the fourth class to a city of the third class.

To Committee on Classification of Cities and Towns.

By Mr. A. V. Bertram:

H. B. 479. An act providing for the protection of the waste of natural gas in Kentucky.

To Committee on Public Utilities.

By Mr. Berry:

H. B. 480. An act conferring upon all corporations, societies or associations, hospitals, schools or colleges, organized under the laws of this Commonwealth for the establishment and maintenance of schools for the education or training of persons in the profession, art or skill of nursing sick, invalid or afflicted persons, or maintaining or conducting such schools, the power and authority to appoint and remove the teachers for same, to prescribe a course of study for the students or pupils thereof, and to confer degrees of graduation therefrom, to award and issue certificates of graduation and diplomas to their students or pupils.

To Committee on Public Health.

By Mr. Spahn:

H. B. 481. An act, relating to the protection of employees on building, and providing punishment for violation thereof.

To Committee on Immigration and Labor.

By Mr. W. A. Perry:

H. B. 482. An act to amend an act entitled an act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

To Committee on Municipalities.

By same:

H. B. 483. An act to amend the Constitution of the Commonwealth of Kentucky for the purpose of enabling the General Assembly to establish a State Printing Office, to create the office of Public Printer and appropriate money for the same.

To Committee on Constitutional Amendments.

By Mr. Price:

H. B. 484. An act to amend an act entitled, "An act to amend an act entitled an act for the government of second class cities in the Commonwealth," approved March 19, 1894.

To Committee on Municipalities.

By Mr. E. B. Thompson:

H. B. 485. An act to amend and re-enact an act entitled "An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend or if in attendance, cannot properly preside," which act was passed at the regular session 1910, and which is Chapter 3, of the published Acts of 1910.

To Committee on Circuit Courts.

By Mr. Bean:

H. B. 486. An act to establish a plan for the preparation of antitoxin for membraneous croup and diphtheria and for the distribution of same to the counties of the State.

To Committee on Public Health.

By Mr. Smith:

H. B. 487. An act to prohibit the sale of cigarettes or cigarette paper to minors and providing penalties therefor.

To Committee on Kentucky Statutes.

By Mr. Keller:

H. B. 488. An act to authorize the Governor to appoint a Commission of five veterans to attend the fiftieth anniversary of the Battle of Gettysburg to be held on the battlegrounds July 1st, 2nd, 3rd and 4th, 1913.

To Committee on Confederate Home.

By Mr. Freyer:

H. B. 489. An act to prevent the destruction of game in Kentucky.

To Committee on Agriculture.

By Mr. Bowling:

H. B. 490. An act to repeal Section 68a of the Kentucky Statutes, as compiled by Hon. John D. Carroll, 1909 edition, known as the Dog Tax Law.

To Committee on Agriculture.

By Mr. J. W. Holland:

H. B. 491. An act amending Section 4226a, pertaining to voting tax in subdistricts.

To Committee on Education No. 1.

By same:

H. B. 492. An act to provide for an appropriation of $30,000.00 for the completion of the State Capitol.

To Committee on State Capitol.

By Mr. Palmer:

H. B. 493. An act to repeal an act entitled, relating to weights and measures, balances and the appointment of an inspector of weights and measures for counties and to re-enact Sections 4817, 4818 and 4819 of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. D. W. Wiley:

H. B. 494. An act to protect watch makers, jewelers, blacksmiths and all other mechanics.

To Committee on Immigration and Labor.

By same:

H. B. 495. An act to amend Section 4315 Kentucky Statutes, year 1909, relative to the letting of public roads.

To Committee on Public Roads and Highways.

By Mr. Knight:

H. B. 496. An act for the benefit of the Home of Incurables, appropriating money for the erection of necessary buildings and furnishing necessary equipment.

To Committee on Charitable Institutions.

By Mr. Hamilton:

H. B. 497. An act to make it unlawful for a railroad telegraph, telephone, bridge or common carrier company to consolidate its capital stock, franchise or other property or pool its earnings with any other railroad, telegraph, telephone, bridge or common carrier company owning a parallel or competing line.

To Committee on Public Utilities.

By same:

H. B. 498. An act to amend Section 699, Kentucky Statutes relating to re-insurance in unauthorized companies.

To Committee on Insurance—Fire.

By Mr. Jackson:

H. B. 499. An act relating to the Kentucky Historical Society.

To Committee on Public Monuments and Historical Society.

By Mr. Parker:

H. B. 500. An act to amend Section 4301, Kentucky Statutes, said section being entitled therein "Place where roads shall not be established."

To Committee on Public Roads and Highways.

By Mr. Wilson:

H. B. 501. An act to provide for the employment of common school teachers by the County Board of Education.

To Committee on Kentucky Statutes.

By Mr. Burton:

H. B. 502. An act to require common carriers to provide shade and water for stock about to be transported over their lines.

To Committee on Railroads.

By. Mr. Hatton.

H. B. 503. An act relating to the killing of fish with dynamite and other explosives.

To Committee on Fish and Game.

By same:

H. B. 504. An act relating to squirrels.

To Committee on Fish and Game.

By same:

H. B. 505. An act relating to hunting on lands of another.

To Committee on Fish and Game.

By same:

H. B. 506. An act to amend Section 1155, Kentucky Statutes.

To Committee on Criminal Law.

By same:

H. B. 507. An act to amend Section 1051, Kentucky Statutes, relating to jurisdiction of Quarterly Courts.

To Committee on County and City Courts.

By Mr. Stamper:

H. B. 508. An act to require all vendors of pistol cartridges to pay license before selling same.

To Committee on Criminal Law.

By Mr. Drury:

H. B. 509. An act concerning assignments for benefit of creditors.

To Committee on Judiciary.

The following petitions were presented, viz.:

By Mr. Owings:

1. Petition of sundry citizens of Jefferson County asking for the passage of a law permitting the use of schoolhouses for farmers' organizations.

By same:

2. Petition of sundry citizens of Jefferson County protesting against the enactment of House Bill No. 264, which provides for the abolishment of Fiscal Courts.

By Mr. Drury:

3. Petition of sundry citizens of Union County asking for the passage of a law permitting the use of schoolhouses for farmers' organizations.

By Mr. Kelley:

5. Petition of sundry citizens of Hancock County protesting against the passage of the Newcomb Automobile Bill.

By same;

6. Petition of sundry citizens of Hancock County protesting against the passage of House Bill No. 263, relating to physicians in country towns and empowering same to fill prescriptions.

By Mr. Burton:

7. Petition of sundry citizens of Grant County protest-

ing against the passage of any law to place higher tax on men who sell medicine from wagons.

Which were received, their reading dispensed with and severally referred,

1 and 4. To Committee on Education No. 1.

3. To Committee on Insurance—Fire.

5. To Committee on Public Roads and Highways.

6. To Committee on Public Health.

7. To Committee on Public Health.

2. To Committee on County and City Courts.

Mr. Niles offered the following resolution, viz.:

Be it resolved by the House of Representatives that the Auditor of Public Accounts furnish for the information of this House and not later than next Monday, February 19, 1912, the following:

(a) The number of street railways in Kentucky;

(b) The number of electric and water companies in Kentucky and the taxable wealth thereof;

(c) The number of interurban railways and express companies in Kentucky and the taxable value thereof.

(d) The number of telephone and telegraph companies in Kentucky and the taxable value thereof.

(e) The number and taxable value of all other utility companies in Kentucky not above named and their aggregate taxable value.

The Auditor shall ascertain and report by what body or bodies said utility companies are assessed for taxation for State purposes and on what basis, if any, the true taxable value thereof is ascertained and fixed, especially the penalties thereof.

The Auditor will also ascertain and report what property is listed for taxes by the State Board of Valuation and Assessment and the taxable value fixed thereon.

Said resolution was adopted.

Mr. Schoberth offered the following resolution, viz.:

Whereas, the year of 1912 is generally considered to be "Leap Year," and

Whereas, it has been the experience of certain members of the House who are liable to a fine or tax under the bill offered providing for a tax on Bachelors that no advantage is taken by the Beauties of Franklin County of the privileges accorded them in Leap Year, Now therefore,

Be it resolved, that the sense of this House be that Leap Year together with the hope it is supposed to hand out to the timorous members of the Bachelors realm is a gross fraud and full of false hopes and lost opportunities.

Said resolution was adopted.

Mr. L. C. Owings offered the following resolution, viz.:

Whereas, Kentucky did furnish its quota of men in the Civil war prior to the draft of 1864, and that draft was an injustice to at least the counties of Crittenden, Ohio, Grayson, Butler, Green, Adair, Taylor, Casey, Jefferson, Pendleton, Grant, Mercer, Lincoln and possibly Bracken the claims of which counties having been partially admitted,

Therefore, be it

Resolved: That it is the sense of this body, that the state of Kentucky, having prior to, said draft of 1864 furnished in full its quota of men required by the Federal Government that it was the mistake of the Government, and not of the individuals who were compelled to furnish substitutes, by said draft be reimbursed by the Government, and that this House request Congress to take such steps in the premises as may afford all proper relief of injustice done by said draft.

Said resolution was adopted.

Mr. Drury moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

And that said bill be made the Special Order of the Day for tomorrow, Friday, February 16, at 12:30 o'clock.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Niles and Bowling were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Wallace Brown
C. W. Burton
George P. Chinn
Sidney G. Clay
Francis B. Douglas
G. L. Drury
J. H. Elder
John M. Farra
S. Walton Forgy
Elwood Hamilton
L. B. Herrington
John W. Holland
R. Dillard Hunter
John G. Kelley
Charles H. Knight
Harry J. Meyers
Charles D. McCrea
C. B. Nichols
Luther C. Owings
William A. Perry
W. V. Perry
John A. Polin
Stanley F. Reed
H. A. Schoberth
Robert H. Scott
W. A. Shawler
W. Scott Smith
A. H. Stamper
John G. Stoll
David P. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson

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Those who voted in the negative were—

William Ahl
Eugene G. Asher
Thos. M. Bertram
E. Bishop
John F. Brewer
Hiram Brown
Wm. L. Bowling
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Eli Farmer
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
A. B. Hatton
A. B. Holland
James R. Howell
Earl C. Huntsman
W. J. Jackson
Green R. Keller
W. E. King
William J. Kuh
James A. Leach
J. Albert Leach
B. J. Matthews
S. F. Middleton
R. C. McClure
W. N. McCubbin
Ben E. Niles
L. B. Owen
A. W. Palmer
W. F. Parker
W. A. Price
S. L. Robertson
Walter S. Sinclair
Adam Spahn
Henry Thomas
E. B. Thompson
Yeaman Watkins
Charles Yancy
Edward L. Young

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Mr. Wilson moved that the rules be suspended and that the House take up for consideration from the Orders of the Day, a bill entitled,

S. B. 18. An act to amend Chapter 21 of the acts of 1906, entitled, "An act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1, Chapter 81, of the Kentucky Statutes, entitled 'Liquors—Intoxicating.' "

And that said bill be made the Special Order of the Day for Wednesday, February 21st, at 12 o'clock, m.

Mr. J. W. Holland moved that said motion lie on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. J. W. Holland and Bowling were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	W. E. King	Stanley F. Reed
Eli Berry	Charles H. Knight	S. L. Robertson
John F. Brewer	William J. Kuh	W. Scott Smith
Wm. L. Bowling	J. Albert Leach	Adam Spahn
C. W. Burton	F. A. Lochry	John G. Stoll
Sidney G. Clay	B. J. Matthews	E. B. Thompson
W. L. Craig	Emanuel Meyer	D. B. Thurman
Eli Farmer	Harry J. Meyers	Louis B. Tieman
John F. Fryer	Charles D. McCrea	Yeaman Watkins
A. B. Hatton	W. N. McCubbin	E. B. Wiley
John W. Holland	William A. Perry	J. H. Williams
Earl C. Huntsman	John A. Polin	
John G. Kelley	W. A. Price	—40

Those who voted in the negative were—

William Ahl	S. Walton Forgy	Luther C. Owings
Eugene G. Asher	D. Clarence Gray	A. W. Palmer
George Baker	T. J. Gregory	W. F. Parker
J. M. Bean	Joe Hall	W. V. Perry
Thos. M. Bertram	Elwood Hamilton	Marion F. Pogue
E. Bishop	V. D. Hammond	H. A. Schoberth
H. C. Blades	L. B. Herrington	Robert H. Scott
Wallace Brown	A. B. Holland	W. A. Shawler
George P. Chinn	Green R. Keller	Walter S. Sinclair
Sidney J. Collins	James A. Leach	A. H. Stamper
Elkanah Dickey	S. F. Middleton	Henry Thomas
Francis B. Douglas	R. C. McClure	David W. Wiley
G. L. Drury	C. B. Nichols	B. S. Wilson
J. H. Elder	Ben E. Niles	Charles Yancy
John M. Farra	L. B. Owen	Edward L. Young

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Mr. Wilson's motion was then agreed to.

The yeas and being required thereon by Messrs. Niles and Wilson were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	James A. Leach
Robert H. Akin	J. H. Elder	Hugh Mahin
Eugene G. Asher	John M. Farra	S. F. Middleton
J. M. Bean	S. Walton Forgy	R. C. McClure
A. V. Bertram	D. Clarence Gray	C. B. Nichols
E. Bishop	T. J. Gregory	Ben E. Niles
H. C. Blades	Joe Hall	L. B. Owen
Wallace Brown	Elwood Hamilton	Luther C. Owings
George P. Chinn	V. D. Hammond	A. W. Palmer
Sidney J. Collins	A. B. Holland	W. F. Parker
Elkanah Dickey	W. J. Jackson	W. V. Perry
Francis B. Douglas	Green R. Keller	Marion F. Pogue

H. A. Schoberth	Walter S. Sinclair	David W. Wiley
Robt. H. Scott	Henry Thomas	B. S. Wilson
W. A. Shawler	D. B. Thurman	Charles Yancy

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Those who voted in the negative were—

George Baker	Earl C. Huntsman	John A. Polin
Eli Berry	John G. Kelley	W. A. Price
John F. Brewer	W. E. King	Stanley F. Reed
Hiram Brown	Charles H. Knight	S. L. Robertson
Wm. L. Bowling	William J. Kuh	W. Scott Smith
C. W. Burton	J. Albert Leach	Adam Spahn
Sidney G. Clay	F. A. Lochry	John G. Stoll
W. L. Craig	B. J. Matthews	E. B. Thompson
Eli Farmer	Emanuel Meyer	Louis B. Tieman
John F. Fryer	Harry J. Meyers	Yeaman Watkins
A. B. Hatton	Charles D. McCrea	E. B. Wiley
John W. Holland	W. N. McCubbin	J. H. Williams
R. Dillard Hunter	William A. Perry	

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The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 312. An act to amend Chapter 60 of the Legislative Acts of the Session of 1910, being an act entitled "An act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State."

H. B. 227. An act defining cruelty to animals, prescribing means for the prevention thereof and fixing penalties for its violation.

H. B. 311. An act forcing all individuals, firms or corpor-

ations who buy or handle tobacco in Kentucky in the loose leaf or otherwise for speculation or storage or shipments to other states or countries to make a report to the Secretary of State of the number of pounds bought, of the total cost of same.

H. B. 355. An act to punish the making or use of false statements to obtain credit.

H. B. 356. An act concerning Notaries Public who are stockholders of or officers in any bank or Trust Company.

H. B. 357. An act to punish statements derogatory to any bank or trust company.

H. B. 359. An act permitting the payment of bank deposits to either party when made in two names.

H. B. 425. An act to amend Section 132 Kentucky Statutes, Carroll's edition, 1909.

H. B. 329. An act to regulate the time of holding of the terms of the Circuit Courts in the Twentieth Judicial District.

H. B. 89. An act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes (Carroll's).

H. B. 346. An act amending and re-enacting Section 4850 of Chapter 135, Carroll's edition Kentucky Statutes, changing the time of appeals in will cases from the County to Circuit Courts in this Commonwealth.

H. B. 375. An act to authorize and to add one addi-

tional judge to the Circuit Court for the Seventeenth Circuit Court District, providing for the appointment and election thereof.

H. B. 376. An act to amend an act entitled "An act the manner of adding one additional judge to Circuit Courts of continuous session in counties constituting separate judicial districts having one judge, and establishing the division thereof," approved March 6, 1906.

H. B. 399. An act to amend Sections 1 and 4 of Article 17, of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled "An act relating to revenue and taxation."

H. B. 47. An act relating to desertion and non-support of wife by husband, or of children by either father or mother, and providing punishment therefor.

H. B. 286. An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof.

H. B. 123. An act concerning liens and providing for release thereof.

H. B. 318. An act to repeal and re-enact Section 950 of the Kentucky Statutes.

H. B. 206. An act to amend and re-enact Section 4683a, of the Kentucky Statutes.

H. B. 319. An act to amend and re-enact Section 960, Kentucky Statutes.

H. B. 403. An act to establish a Department of Hotel Inspection, providing for the appointment of Hotel Inspector and Deputy Inspectors.

H. B. 474. An act prohibiting the unlawful issuing, selling, exchanging, using or giving away any transfer ticket or written or printed instrument giving or purporting to give the right of transfer of any street car or other public conveyance, and prescribing a penalty therefor.

S. B. 40. An act to amend an act approved March 8, 1904, entitled "An act to amend an act entitled 'An act for the relief of the Court of Appeals,' approved October 5, 1900."

H. B. 201. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first and second class.

H. B. 202. An act creating Boards of Education for cities of the second class, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith.

H. B. 266. An act to amend and re-enact Section 2809, Kentucky Statutes.

H. B. 265. An act to amend and re-enact certain sections of the Tenement House law of March 21, 1910.

H. B. 378. An act to repeal in part an act entitled "An act to amend the Charter of the Twelve Mile Turnpike Company, approved March 1, 1854, which was approved January 22, 1865, and is Chapter 1069 of the Session act of 1867.

H. B. 100. An act to provide systems for the control and management of the construction and maintenance of the pub-

lic roads and bridges in the various counties of this Commonwealth and to amend Article 1, Chapter 110, Kentucky Statutes, entitled Public Roads, by repealing certain sections thereof which are in conflict with the provisions of this act.

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture, the Department of Public Roads.

H. B. 64. An act defining public roads and providing for the maintenance and construction and providing for raising revenues in the counties for construction and maintenance and creating the office of County Road Engineer and prescribing the duties thereof.

H. B. 350. An act to regulate tolls for automobiles on all ferries, bridges, turnpikes and gravel roads in the Commonwealth of Kentucky.

H. B. 9. An act to appropriate Two thousand ($2,000) dollars to purchase fifteen acres of land in Boyle County, Kentucky surrounding the Confederate grave yard and monument thereon erected by the State of Kentucky to preserve the graves of the Confederate soldiers who were slain at the battle of Perryville and to erect a small house thereon.

H. B. 133. An act to amend Section 4127, Article 6, relating to revenue and taxation, changing the compensation supervisors.

H. B. 59. An act to amend and re-enact Section 32, Article 8, Chapter 22 of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and being Section 4154 Kentucky Statutes.

H. B. 225. An act for the benefit of the three state educational institutions, viz,: State University, Lexington, Kentucky, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing necessary equipment, and for expansion of work; and also providing additional revenues for the maintenance of said institutions.

H. B. 251. An act to amend Chapter 50 of the acts of 1910, of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

H. B. 257. An act to provide for officers of the State registering on the day of an election.

S. B. 26. An act to establish a Department of Banking, providing for the appointment of a Commissioner, deputy commissioner and examiners thereof, and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

The hour of 12 o'clock, meridian, having arrived,

The house took up for consideration from the Orders of the Day a bill entitled,

H. B. 42. An act creating a parental home and school commission in counties containing a city of the first class, defining the powers and duties thereof and empowering fiscal courts to levy a tax to create funds for the purposes of this act.

Together with an amendment to said bill by way of sub-

stitute therefor proposed by the Committee on Juvenile Courts and Children's Home.

Said bill is as follows, viz.:

Whereas, there are numerous counties in this Commonwealth without suitable provision for the care and protection, maintenance and education of unfortunate, dependent, neglected or orphaned children, and

Whereas, to commit unfortunate, dependent, neglected or orphaned children to reformatory institutions when no offense has been committed by said children, is a grave injustice to such children, and an unnecessary and unfair burden on their future endeavor to become good citizens, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties of this Commonwealth wherein there is a city of the first class, there shall be created a commission composed of five persons, which shall be a body-politic and corporate, and shall be known as the "Parental Home and School Commission," and in which name it may contract and may be contracted with, sue and be sued, acquire real and personal estate by gift or purchase, and do all other acts necessary to carry out the purposes of this act.

§ 2. Four members of said commission shall be appointed by the County Judge, who with the County Judge as a member ex-officio, shall constitute said Commission. Said four members shall be appointed for a term of two years. Vacancies is said commission shall be filled for the unex-

pired term in the same manner as the original appointment. Said Commissioners, other than the Secretary and Treasurer, shall serve without compensation.

§ 3. Said Commission shall have power to organize, elect and appoint officers and employes and fix the salaries thereof, to rent and purchase farm lands, erect,equip, conduct and maintain suitable buildings and grounds for the care custody, maintenance, education and training of such dependent, neglected or orphaned children as may be committed to it by order of the County Judge, or Juvenile Court Judge, and to make all needful rules for the conduct and maintenance of the said Parental Home and School which in their judgment seems proper and may not be in conflict with the law.

§ 4. In order to provide money for the purchase of farm lands and to erect and equip necessary buildings for the needs and purposes of the Parental Home and School, the Fiscal Court is empowered and directed to levy and collect annually a tax in such an amount as may be recommended by said commission not exceeding four cents on each One Hundred Dollars worth of taxable property in said county as shown by the last returned assessment, and to set the same apart as a separate fund for the purposes of this act until a sufficient amount shall have been accumulated for the purchase of said farm lands and the erection and equipment of suitable and sufficient buildings for the conduct of said Parental Home and School, and said fund shall be used only for the purpose for which it was created; Provided, that any fund heretofore set apart by the Fiscal Court for the purpose of a Parental Home and School shall be placed to the credit of the Parental Home and School Commission and may be at once used by said Commission in the purchase of farm lands and equipment, and the general purposes of this act.

§ 5. It shall be the duty of the County Judge to notify the Fiscal Court when a sufficient sum shall have been accumulated for the purchase of lands and the erection and equipment of buildings thereon; and thereafter the fiscal court is empowered and shall make an annual levy for the purpose of maintaining and conducting said Parental Home and School and in a sum not less than one per cent or more than three and one-half per cent on each One Hundred Dollars worth of taxable property in said county as shown by the last assessment returns.

§ 6. All sums derived from taxation for the purchase of lands and the erection, equipment and maintenance of the buildings and institution, including any fund heretofore set apart and now on hand for the purchase of land, shall be paid over to said Commission for the purposes herein set forth.

§ 7. The Secretary and Treasurer of the Commission shall each give bond, with approved surety, in such sum as may be fixed by the Commission, which bonds shall be payable to the Commission and obligate the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all moneys or other things of value which may come into their several hands.

§ 8. Inasmuch as there is no provision now made for the care, custody, maintenance or support of unfortunate, dependent, neglected or orphaned children, an emergency is hereby declared to exist and this act shall take effect from and after its passage.

The substitute amendment as proposed by the aforesaid Committee is as follows, viz.:

An act creating a Parental Home and School Commission in counties containing a city of the first class, defining the powers and duties thereof, and empowering fiscal courts to levy a tax to create funds for the purposes of this act.

Whereas, there are numerous counties in this Commonwealth without suitable provisions for the care and protection, maintenance and education of unfortunate, dependent, neglected or orphaned children, and

Whereas, to commit unfortunate, dependent, neglected or orphaned children to reformatory institutions when no offense has been committed by said children, is a grave injustice to such children, and an unnecessary and unfair burden on their future endeavor to become good citizens, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties in this Commonwealth wherein there is a city of the first class, there shall be created a bi-partisan commission composed of five persons, which shall be a body-politic and corporate, and shall be known as the "Parental Home and School Commission," and in which name it may contract and may be contracted with, sue and be sued, acquire real and personal estate by gift or purchase, and do all other acts necessary to carry out the purposes of this act.

§ 2. The members of said commission shall be appointed by the County Judge, who with the County Judge as a member ex-officio shall constitute said Commission. Said members shall be appointed for a term of two years. Va-

cancies in said commission shall be filled for the unexpired term in the same manner as the original appointment. Said Commissioners shall serve without compensation.

§ 3. Said Commission shall have power to appoint a Superintendent at a salary not exceeding $2,000 per year, and such other employees as may be necessary and fix their compensation, to rent and purchase farm lands, erect, equip, conduct and maintain suitable buildings and grounds for the care, custody, maintenance, education and training of such dependent, neglected or orphaned children as may be committed to it by order of the County Judge, or Juvenile Court Judge, and to make all needful rules for the conduct and maintenance of the said Parental Home and School, which in their judgment seems proper, and may not be in conflict with the law.

§ 4. In order to provide money for the purchase of farm lands and to erect and equip necessary buildings for the needs and purposes of the Parental Home and School, and to maintain the same, the Fiscal Court is empowered to levy and collect a tax in such amount as may be necessary and to set the same apart as a separate fund for the purposes of this act until a sufficient amount shall have been accumulated for the purchase of said farm lands and the erection and equipment of suitable and sufficient buildings for the conduct of said Parental Home and School, and said fund shall be used only for the purpose for which it was created; Provided, that any fund heretofore set apart by the Fiscal Court for the care and custody of dependent children shall be placed to the credit of the Parental Home and School Commission and may be at once used by said Commission in the purchase of farm lands and equipment, and the general purposes of this act.

§ 5. All sums derived from taxation for the purchase of lands and the erection, equipment and maintenance of the buildings and institution, including any fund heretofore set apart and now on hand for the care and custody of dependent children, shall be paid over to said Commission for the purposes herein set forth.

Mr. L. C. Owings offered the following amendments to said substitute, viz.:

Amend by adding to Section 1, after the words composed of five persons "of whom two shall be women, and two of whom shall belong to the same political party as the County Judge and three of whom shall be selected from that party that at the last general and preceding election shall have cast the next largest vote.

Also amend Section 4, line 5, by striking out the words "such an amount" and insenting therein "of two cents or less annually on each One Hundred Dollars worth of property as shown in the last returned assessment."

Said amendments were agreed to.

Said substitute amendment as amended was then agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constiution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	L. B. Owen
Robert H. Akin	T. J. Gregory	Luther C. Owings
Eugene G. Asher	Joe Hall	A. W. Palmer
George Baker	A. B. Hatton	J. R. Paxton
J. M. Bean	L. B. Herrington	William A. Perry
Eli Berry	A. B. Holland	W. V. Perry
A. V. Bertram	John W. Holland	Marion F. Pogue
Thos. M. Bertram	James R. Howell	John A. Polin
E. Bishop	W. J. Jackson	W. A. Price
H. C. Blades	Green R. Keller	Stanley F. Reed
John F. Brewer	John G. Kelley	S. L. Robertson
Hiram Brown	M. C. Kirk	Robt. H. Scott
Wallace Brown	Charles H. Knight	W. A. Shawler
Wm. L. Bowling	William J. Kuh	Walter S. Sinclair
C. W. Burton	James A. Leach	W. Scott Smith
George P. Chinn	J. Albert Leach	Adam Spahn
Sidney G. Clay	F. A. Lochry	A. H. Stamper
Sidney J. Collins	Hugh Mahin	John G. Stoll
W. L. Craig	B. J. Matthews	Henry Thomas
Elkanah Dickey	Emanuel Meyer	D. B. Thurman
G. L. Drury	Harry J. Meyers	E. B. Wiley
J. H. Elder	S. F. Middleton	David W. Wiley
Eli Farmer	R. C. McClure	J. H. Williams
John M. Farra	Charles D. McCrea	B. S. Wilson
S. Walton Forgy	W. N. McCubbin	Charles Yancy
John F. Fryer	C. B. Nichols	Edward L. Young

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Resolved that the title thereof be as aforesaid.

Mr. Robertson moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said last named motion was ageed to.

The hour of 12:30 o'clock having arrived,

The House took up for consideration the special Order of the Day for that hour, to-wit: a bill entitled,

H. B. 134. An act making it a felony for any person to admit to their house or direct to any house for the purpose of prostitution or lewdness any female under the age of sixteen years and fixing the penalty therefor.

Together with the amendment proposed thereto by the Committee on Criminal Law.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who shall admit to their house, or who shall take or direct to any house, for the purpose of prostitution or lewdness, any female under the age of sixteen (16) years, shall be deemed guilty of a felony and upon conviction thereof, be fined not less than one hundred dollars ($100) or more than five hundred dollars ($500) and be confined in the penitentiary for a period of not less than one year or more than five years.

The amendment as proposed by the aforesaid Committee is as follows, viz.:

Amend by striking out the word "and" in the sixth line after the word "dollars" and insert in lieu thereof the word "or."

Said amendment was agreed to.

Mr. Forgy offered the following amendment to said bill:

Amend by striking out the following words "Be fined not less than one hundred dollars ($100) or more than five hundred dollars ($500) or."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

William Ahl	A. V. Bertram	Wallace Brown
Robert H. Akin	Thos. M. Bertram	Wm. L. Bowling
Eugene G. Asher	E. Bishop	C. W. Burton
George Baker	H. C. Blades	George P. Chinn
J. M. Bean	John F. Brewer	Sidney G. Clay
Eli Berry	Hiram Brown	Sidney J. Collins

W. L. Craig
Elkanah Dickey
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
W. A. Price
Stanley F. Reed
S. L. Robertson
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
John G. Stoll
Henry Thomas
D. B. Thurman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
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Resolved that the title thereof be as aforesaid.

Mr. Akin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then resumed the consideration of the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 118. An act intended to prevent the spread of tuberculosis and the infectious diseases in the public schools of Kentucky and providing penalties for violation thereof.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person shall be permitted to teach in any public school of this State who shall not first have obtained from the Board of Health of the county in which he proposes to teach a certificate of health, signed by the chairman of the Board of Health of such county, to the effect that the person in whose name it is issued has been examined by said Board of Health and found to be free from tuberculosis or other infectious diseases: Provided, no person shall be required to obtain such certificate except upon the complaint of not less than five patrons having children within the school age in any school district in which said person proposes to teach, said complaint to be in writing and signed by said complainants and filed with the County Superintendent of said county.

§ 2. It shall be the duty of the County Superintendent of the various counties of the Commonwealth to see that the provisions of this act are complied with in their respective counties.

§ 3. Any person who shall violate any of the provisions of this act shall be fined in any sum so that it shall be not less than fifty nor more than one hundred dollars.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. Wallace Brown offered an amendment to said bill,

as follows: In Section 1, strike out the words "five patrons" and insert in lieu thereof the words "fifteen patrons."

Mr. J. W. Holland moved that said bill be recommitted to the Committee on Judiciary with leave to report at any time.

Pending the further consideration of said bill the House took a recess until 3 o'clock, this afternoon.

AFTERNOON SESSION.

The House reconvened pursuant to the recess taken, and resumed the consideration of a bill entitled,

H. B. 118. An act intenden to prevent the spread of tuberculosis and other infectious diseases in the public schools of Kentucky and providing penalty for violation thereof.

The motion heretofore made by Mr. J. W. Holland that said bill be recommitted to the Committee on Judiciary with leave to report at any time was adopted.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled,

H. B. 53. An act appropriating money for acquistion of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain lands to the Federal government for the purpose of establishing a fish hatchery.

With sundry amendments thereto.

Ordered that said bill lie on the Clerk's desk.

That they had passed bills of the following titles, viz.:

1. S. B. 60. An act to amend an act entitled an act for the benefit of the Kentucky Home Society for colored children, approved March 19, 1910.

2. S. B. 209. An act ceding jurisdiction of the Commonwealth of Kentucky over certain land to the United States of America upon the establishment of the Mammoth Cave National Park.

Said bills were ordered printed and referred,

1. To Committee on Juvenile Courts and Children's Home.

2. To the Committee on Judiciary.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 62. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate and control the rates of premium thereon and creating a State Insurance Board and defining the powers and duties of said board.

Together with the amendments proposed thereto by the Committee.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a board, to be known as the State Insurance Board, which shall be composed of the Insurance Commissioner of the State of Kentucky, who, in addition to his duties now imposed by law, shall act as Secretary thereof, and two other members who shall be citizens of this State and be at least twenty-five years of age, to be appointed by the Governor, one of whom shall be Chairman of the board. The Governor shall appoint two members immediately after this act takes effect and the appointment so made shall be for a term of four years. The board so constituted shall exercise all of the powers and duties and be charged with all the responsibilities embraced in this act and shall have the power to decide all questions required, authorized or permitted to be passed upon by this act or incidental to the powers herein conferred. The members of said board, other than the Insurance Commissioner of the State of Kentucky, shall each receive a salary of $3,000 per annum. The Insurance Commissioner of the State of Kentucky shall receive $600.00 per annum in addition to the compensation now received by him, for the duties imposed by this act. Said board shall have the right to employ an attorney at a salary not to exceed $3,000 per annum and to employ such additional clerks or agents as may be necessary to carry out the provisions of this act, subject, however, to the limitations contained in this act as to the amount authorized to be expended by said board. The salaries of the members of said board and of the attorney for said board shall be paid monthly out of the treasury of the Commonwealth, out of the insurance fund, and the other expenses of the board shall also be paid out of said fund and all payments shall be by the warrant of the Auditor upon vouchers signed by the chairman and countersigned by the secretary of said board. The office of said board is fixed in the same office as that of the Insurance Commissioner of

the State of Kentucky, and all of the regular meetings of the board shall be held and all of the records kept in such office; provided, that the board may hold special meetings at other places in the State if it so determines. The office of said board and of the Insurance Commissioner of the State of Kentucky shall always be kept together and the clerical force of said board and said Insurance Commissioner shall be jointly employed and their services used for the work of both of said offices.

§ 2. Every insurance company licensed to do business in this State, and doing, at the time that this act shall take effect, a business of insurance against loss or damage by fire, ligrtning, hail, wind storm or sprinkler leakage, shall within thirty days thereafter file with the Secretary of the said board:

"A. Two copies of every general basis schedule now being applied in this State, showing all charges and credits, terms, privileges, riders and conditions, which in any wise affect rates, or the cost of insurance on property located in this State.

"B. Two copies of every book of published specific estimates or rates with inserts showing revisions and additions to date; two copies of every printed rate card where the rate card system is in use; and two copies of a statement showing every specific rate not given in a book of estimates or rates, or not given in a set of printed rate cards."

"The grade of each town or municipality shall be shown in connection with such information together with two copies of the inspection report upon which each town has been graded. The basis tables of the Analytic System that

are in use in various localities shall be stated. In each case where the rate has not been formed by the application of a general basis schedule, the fact shall be noted. The information shall show also the general type of construction and occupancy of each risk and if it is protected by automatic sprinklers the fact shall be noted. Provided, that all companies that use the same general basis schedules and specific rates may authorize some agent to file the two sets of required information in common for all. Any company thus represented that deviates in any manner or particular from the information filed in common shall file in addition thereto a full statement of the plan of deviation which it follows. It shall be the duty of said board to consider the information thus filed, with reference to the reasonableness of the general basis schedules, charges and credits, terms, privileges, riders and conditions, which in any wise affect rates or the cost of insurance, and with reference to the reasonableness of the specific rates and grading of towns and selection of basis tables. And said board shall make such alteration, change, rejection and substitution as will enable it to publish reasonable general basis schedules, showing all charges and credits, terms, privileges, riders and conditions which in any way affect rates or the cost of insurance, so that a reasonable rate may be formed for every risk in this State upon which insurance of the kind regulated by this act is written. After the publication of a general basis schedule, in the manner hereinafter provided, it shall be used by each insurance company regulated by this act for the formation of specific rates on all risks of the class to which the schedule applies. The rate obtained by faithful application of the appropriate general basis schedule published by the said board, shall be the lawful rate in this State. It shall be unlawful to use any other rate, except that obtained by uniform deviation from published schedule rates

in the manner hereinafter provided. It shall be the duty of the said board to act upon as full information as possible in the preparation of a general basis schedule, and the said board is hereby empowered to call for and obtain from the insurance companies regulated by this act, any and all information that it deems useful. When the said board is ready to publish a general basis schedule, it shall notify all insurance companies and other interests concerned, by mail and such insurance companies and other interests shall examine the provisions of the said schedule. If objections are found, the objectors may file the objections in writing with the secretary of the said board within thirty days from the date of notification or may apply for a hearing upon the objections within the thirty days. If no objection is raised, the schedule shall be published at the end of thirty days from the date of notification and shall take effect immediately. If objections are raised or a hearing asked, the said board shall take action thereafter upon the objections and requests presented. Such action by the said board shall be duly reported to all parties interested, by mail, and the schedule as affected by such action by the said board shall be published within fifteen days after such notification unless some interested party shall appeal to a court having jurisdiction, as hereinafter provided. Any interested party shall upon request be placed upon the mailing list of the said board and shall thereafter receive due notification of all actions taken by the said board that affect rates or the cost of insurance regulated by this act. It shall be the duty of each insurance company governed by this act, individually, or through some agency for the purpose, to apply each general basis schedule immediately after publication. The specific rates found by the schedule shall be filed with the secretary of the said board as soon as found. The said board in publishing each general basis schedule, shall set a date at

which the filing of all specific rates under the schedule shall be completed, but such date may be extended for cause by the said board. All insurance governed by a general basis schedule and written after the date of publication shall be entitled to the rates established by the schedule. During the interim prior to the publication of a general basis schedule for a given class of risks, the existing specific rates may be used and the existing general basis schedule may be applied to new risks and to new conditions in old risks, and the said board shall make such temporary orders modifying existing specific rates or existing general basis schedules as the situation may demand. Such modifying orders shall be subject to the same course of procedure as prescribed for the publication of a general basis schedule. It shall be the duty of the said board to provide for a system of adequate reports, from insurance companies, their employes and agents or from property owners, and in such manner as the board may deem proper, for the purpose of showing the relations of losses to hazards in risks and rates of loss for normal and subnormal risks. Such facts shall be given suitable publicity by the said board and shall be kept accessible to the representatives of any interest that may wish to know the facts in order to plan the removal of hazards or in order to justify a request for a modification in a general basis schedule or a specific rate filed with the said board.

§ 3. Every insurance company which shall hereafter take out a license in this State to do business of the kind coming under the provisions of this act, shall comply with all the requirements hereof, except that the information filed under Section 2 shall relate only to risks which are not governed by general basis schedules published by the said board and in force at the time the license is taken out.

§ 4. The said board may at any time alter a published general schedule, but shall observe the procedure prescribed for the publication of a general basis schedule. The said board also may at any time and in like manner recall a published general basis schedule and publish an entirely different basis schedule in place of the one recalled. Any specific rate may be changed by any insurance company when a survey discloses conditions which necessitate an altered rate through the application of the appropriate published general schedule. Such altered rate shall be filed immediately with the secretary of the said board. The said board shall prescribe rules for the keeping of proper records by all companies, bureaus and boards dealing with the application of published schedules so that the accuracy of the application in any individual case can be ascertained at any time by the said board. For the purpose of this act such bureaus and boards shall be considered to be agencies of their subscribers in the business handled. Any insurance company may pursue a plan of uniformly reducing all specific rates found for a class of risks by a general basis schedule. In such case the insurance company shall file notice of the intention to so reduce rates, showing the extent of the reduction.

§ 5. No insurance company coming under the provisions of this act shall engage or participate in the insurance of any property located in this State until it has complied with the provisions of Section 2 and Section 3 of this act, and no company, officer, agent or representative of any company shall write insurance at a rate different from the rate fixed in accordance with the provisions of Section 2 hereof, or refund or remit in any manner or by any device any portion of the rates so established, or extend to any

insured or other person any special credit, privileges, advantages, favor inducement, or concession.

§ 6. All generad basis schedules which are in force in accordance with the provisions of this act shall be open to the inspection of the public and each local agent shall have and exhibit to the public a copy of the specific rates published for his locality. Whenever a risk is first rated, or re-rated, the local agent writing the insurance thereon shall furnish to the property owner a form showing all details in the formation of the rate.

§ 7. Whenever any insurance company, or other person, or city or town or their authorized representatives shall be dissatisfied with any regulation, order or rate adopted by said board, such insurance company, person or municipality, or their authorized representatives shall have the right to apply in writing to said board for a modification or change of such regulation, order or rate and such writing shall set forth the action desired and the reasons therefor. Upon refusal of said board to take the action desired the applicant shall have the right within fifteen days to bring action against said board in the Circuit Court of this State at the domicile of the complainant, or where the risk is located, to have such regulation, order or rate vacated or modified, and shall set forth in the petition therein the particular ground or grounds of objections to such regulation, order or rate, and the modification or change desired, provided the said fifteen days shall not begin to run until actual notice of the action on said application has been given to said applicant. In any such suit the issue shall be formed and the controversy tried and determined as in other equity cases and the court may set aside, vacate or annul one or more of any part of any of the regulations, orders or rates adopted or

fixed by said board, which shall be found by the court to be unreasonable, unjust or excessive, or inadequate to compensate the company writing insurance thereon for the risk assumed by it, and if the court sets aside, vacates, amends or modifies any rate, order or regulation in such suit, in its decision the court shall decide and fix, in lieu thereof, a rate order or regulation which it deems reasonable. No injunction, order or decree suspending or restraining directly or indirectly the enforcement of any order of said board shall be granted; provided, that the court may permit any company complaining of any order, regulation or rate made by said board to write insurance at the rates which obtained prior to the making of such order, regulation or rate complained of, upon condition that the difference between the rate complained of and the rate at which it is permitted to write insurance shall be paid into court, and upon the final determination of the suit shall be paid to the insurance company if the court shall find it entitled to the same, or to the holders of policies written by said company after the rate complained of is ordered, as the court may deem just and equitable; and provided further, where any person or municipality or other insured or their representatives is the complaintant, the court may order the difference between the rate deemed reasonable by the petitioner, and the rate complained of, to be deposited in court pending the final determination of the suit, in the same manner as herein provided for where the insurance company is the complaintant; provided further, that if the court does not grant the order hereinabove referred to, the rate, regulation or order fixed by the said board shall remain in full force and effect. Whenever any action shall be brought by any insurance company under the provisions of this section, within said period of thirty days, no penalties or forfeitures shall attach or accrue on account of the failure of the plaintiff to comply

with the order sought to be vacated or modified in such action until after the final determination of same. Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of this State to set aside any order by said board under the provisions of this act until all the remedies before the said board provided for herein shall first have been exhausted by the party complaining.

§ 8. The governing authorities of municipalities of any class, board of trade, commercial bodies or other kindred organizations shall be authorized to apply to the said board to fix fire insurance rates, orders or regulations for their respective counties, municipalities or particular localities, or special class of risks they may represent, and to test the reasonableness of such insurance rates, orders, or regulations, which may affect the interest they represent, before the courts, in the same manner as provided for in this act where suits are brought by individual insured interests.

§ 9. Any insurance company coming under the provisions of this act, or any director or officer thereof, or any agent or person acting for or employed by any such company, who alone, or in conjunction with any corporation, company or person, shall willfully do or cause to be done, or shall wilfully suffer or permit to be done, any act, matter or thing prohibited or declared to be unlawful by this act, or who shall wilfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or wulfully suffer or permit any act, matter or thing, described by this act, not to be done, or shall be guilty of any wilfull infraction of this act, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, in a court of competent jurisdiction, be punished by a fine of not less than one hun-

dred dollars and not more than three hundred dollars for each offense; provided, that if the offense for which any person shall be convicted, as aforesaid, shall be an unlawful discrimination, such person shall be punished by a fine of not more than three hundred dollars and not less than one hundred dollars, or by imprisonment in the county jail for a term of not less than thirty days and not more than ninety days, or by both such fine and imprisonment. It shall be the duty of the said board to inform the Attorney General and the Comonwealth's Attorney of the district wherein the offense has been committed of any violation of this act. It shall be the duty of the attorney of the said board to prepare all of the evidence for the prosecution of persons violating this act, and he shall appear in person at all trials to assist the Commonwealth's Attorney in conducting the prosecution.

§ 10. Whereever a company is finally convicted in a court of competent jurisdiction, of violating and of the provisions of this act, as provided in Section 9, it shall be the duty of the Insurance Commissioner to revoke, if it be for the first violation of this act by such company, the authority of such convicted company and its agents to do business in this State for a period of three months, and, if it be a second conviction, the authority of such company and its agents shall be revoked for a period of twelve months. The Insurance Commissioner shall give notice of such revocation in the manner now required by law, and until the expiration of that time such company and its agents shall be without authority to do business in this State, and shall forfeit to the State the amount of the unexpired portion of any license which has been paid.

§ 11. No person shall be excused from giving testimony

or producing evidence when legally called upon so to do at the trial of any person charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence under the authority of this act, except for perjury in so testifying.

§ 12. Said board shall have the right, at any time it may be deemed necessary by said board so to do, to examine through agents appointed for that purpose, or otherwise, the books, records and papers of any insurance company affected by this act and which pertain to the rates charged for insurance regulated by this act, and to examine the surveys, books, records and papers of any Board of Underwriters, Rating Bureau or organization of any character composed of insurance companies or their agents or person or persons performing duties connected with rates of insurance regulated by this act. If any insurance company fails or refuses to sumbit to such examination the Insurance Commissioner shall revoke or suspend all authority granted to the companies, or their agents composing such Board of Underwriters, or other organization, to transact business in this State.

§ 13. The total amount which said board shall be authorized to expend in one year, for all purposes, shall not exceed the sum of twenty-five thousand dollars. It shall be the duty of the Insurance Commissioner of the State of Kentucky to, in addition to the amounts now authorized to be collected by him and paid into the State Treasury, collect from each insurance company coming under the provisions of this act and doing business in this State during the preced-

ing calendar year, or any portion thereof, the proportion of said twenty-five thousand dollars which the gross premiums collected by said company during such year from persons or upon property located in this State bears to the aggregate amount of gross premiums so collected during such year by all insurance companies affected by this act transacting business in this State, provided that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for reinsurance and for return premiums on canceled policies. All moneys so collected by the Insurance Commissioner shall be paid into the State Treasury to the credit of the Insurance Department, for the purpose of paying the expenditures authorized by this act. If at the end of any year, it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than twenty-five thousand dollars, the amount remaining unexpended shall be applied in the reduction of the amount to be collected from said companies for the ensuing year.

§ 14. The provisions of this act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State and carried on or by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative interinsurance and reciprocal exchange carried on by the members thereof solely for the protection of their property and not for profit; nor to companies, societies or associations organized under the authority and patronage of any church or religious demonination for the exclusive purpose of insuring the property of churches or religious denominations and the personal property of the pastors and ministers thereof against loss or damage by fire, lightning or storm.

Mr. Harry J. Meyers moved that this afternoon's session be extended until the bill under consideration is disposed of.

Said motion was adopted.

Mr. Meyers moved that the vote by which today's session was extended be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The amendments as proposed to said bill by the Committee or Insurance—Fire, are as follows, viz.:

Amend House Bill No. 62 as follows:

1. By striking out the word "Governor" in the sixth and seventh lines of Section 1, and inserting in lieu thereof, in each of said lines, the words "Auditor of Public Accounts."

2. By inserting in line two of Section 4 after the word "'Schedule' and before the word 'but' the words 'specific rate,' term, privilege, rider of condition."

Amend House Bill No. 62, by adding thereto an additional section, which shall be Section 15, and which shall read as follows:

Inasmuch as it is of the greatest importance to all owners of property in this Commonwealth that the rates of premium charged for the character of insurance embraced in this act be properly regulated and readjusted at the earliest practicable time, an emergency exists and is hereby

declared and this act shall take effect from and after its passage.

Said amendments were agreed to.

Mr. Howell offered the following amendment to said bill:

Amend House Bill 62, by striking out of Section 7, commencing in line 22 the following words:

1. "And if the court sets aside, vacates, amends or modifies any rate, order or regulation in such suit, in its decision the court shall decide and fix, in lieu thereof, a rate, order or regulation which it deems responsible."

2. Sec. 1. By striking out all of line 18 beginning with the word "said" and continuing to the end thereof, and by striking out all of line 19 from the beginning thereof to and including the words "per annum" and inserting in lieu of the words so striken the following:

Said board in all legal matters shall be represented by the Attorney General, except when it is impracticable for the Attorney General to represent said board, in which event the Attorney General is hereby empowered to employ an attorney to represent said board, but the compensation of such attorney shall not exceed three thousand dollars in any one years, to be paid as herein provided.

3. Strike out lines 10, 11, 12, and 13 of Section 12, and substitute;

If any Insurance Company, Rating Bureau, Board of

Underwriters or other organization or agent fails or refuses to submit to such examination, the Insurance Commissioner shall revoke or suspend authority granted to such organization or agent to transact in this State.

Said amendments were agreed to.

Mr. Niles offered the following amendment to said bill:

To amend Section 2, by inserting on page 5, line 72, after the first word "Act" in said line, the following:

Provided, that nothing in this act shall be construed to authorize or permit said State Insurance Board or any member or employee thereof to make public any survey, inspection or rate on any private property or individual risk, without first having received in writing the consent of the owner of such private property and individual risk. And it is hereby made unlawful for said board or any member of employee thereof to permit any copy of any survey, inspection or rate on any private property or individual risk to be made or to be furnished singly or on any list for distribution by mail or otherwise without first having in writing the consent of the owner of such property or risk.

Said amendment was disagreed to.

Mr. Gray offered the following amendment to said bill:

Amend by striking out the last part of Section 5, the following words:

"Or extend to any insured of other person any special credit, privileges, advantages, favors, inducement or concession."

Said amendment was disagreed to.

Mr. Kirk offered the following amendment to said bill:

Amend by striking out the figures $3,000, in line 15 of original bill and inserting in lieu thereof, the figures $2,000.

Said amendment was disagreed to.

Mr. Price offered the following amendment to said bill:

Amend by adding as separate section:

"For the purposes of this act purely mutual and profit sharing companies are defined as companies that do not exact or collect any portion of the premium in cash, but rely solely upon assessments to pay losses after they occur."

Said amendment was disagreed to.

Mr. Akin offered the following amendment to said bill as amended by way of substitute therefor, viz.:

Proposed substitute for House Bill No. 62 and Senate Bill No. 21.

An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance, and to regulate the rates of premium thereon, and defining the powers and duties of the Insurance Commissioner.

§ 1. Every insurance company licensed to do business in this State, and doing, at the time that this act shall take effect, a business of insurance against loss or damage by

fire, lightning, hail, windstorm or sprinkler leakage, shall within thirty days after this act shall take effect, file with the Insurance Commissioner of this State a copy of every basis schedule now being applied in this State, showing all charges and credits, terms, privileges, riders and conditions which in any wise effect rates or the cost of insurance on property located in this State, and, in addition thereto, each company shall file such specific rates or estimates on specific property as may be called for by the Insurance Commissioner.

§ 2. All general basis schedules filed with the Insurance Commissioner in accordance with the provisions of this act, shall be open to inspection of the public, and every local agent shall, upon request, furnish to the property owner a form showing all details in the formation of the rate covering upon his property.

§ 3. Discrimination in rates on hazards similar in character, in this State, is hereby prohibited and declared unlawful, and if it shall be shown to the Insurance Commissioner that any company has charged for any hazard an amount in excess of the rate charged other persons on other risks of the same class and hazard, it shall be the duty of the Insurance Commissioner to investigate such charge, and if said charge is sustained, then he shall at once order said Company to make due correction in the rate immediately, refunding such excess as may have been charged together with interest thereon from the date of its payment until the same is refunded to the citizen thus charged, and, in addition thereto, to pay to such citizen and expense that he may have sustained in substantiating such charge, and if such company shall fail to make such correction and payment within thirty days after the order of the Insurance Commis-

sioner, then it shall be the duty of the Insurance Commissioner to revoke the license of said company.

§ 4. If any property owner is dissatisfied with the rates charged him for insurance he may file complaint with the Insurance Commissioner, stating all the facts in regard to the manner in which said rate is made up, giving the name of the agent who placed the insurance and the company or companies in which said insurance was written, and may ask an investigation by said Insurance Commissioner, and it shall thereupon become the duty of said Insurance Commissioner to immediately notify the agent writing the insurance and the company or companies in which such insurance is written to appear before him within fifteen (15) days after the receipt of such notice, and upon said date fixed the Insurance Commissioner shall investigate said charge against said company or companies, and if he finds that there has been discrimination against the assured, or, if he has been charged an excessive rate, then it shall be the duty of the Insurance Commissioner to order said company or companies or make due correction in the rate immediately, refunding such excess as may have been charged together with interest thereon from the date of its payment until the same is refunded to the citizen thus charged, and if any such company shall fail to make this correction within thirty(30) days after notice and the making of such order, the Insurance Commissioner on proof thereof, shall revoke the license of said company to do business in this State.

§ 5. No insurance company coming within the provisions of this act and doing business in this State, nor any officer, agent, sub-agent, broker, solicitor, employee, intermediary or representative thereof, shall make or permit any advantage or distinction in favor of any insured individual,

firm, corporation or association, with respect to the amount of premium named in, or to be paid on, any policy of insurance, or shall offer to pay or allow, directly or indirectly, or by means of any device or artifice, as inducement to insurance, any rebate or premium payable on the policy, or any special favor or advantage in the dividends or other profit to accrue thereon, or any valuable consideration or inducement not specified in the policy contract of insurance; or give, sell or purchase, offer to give, sell or purchase, as inducement to insure or in connection therewith, any stocks, bonds or other securities of an insurance company or other corporation, association, partnership or individual, or any dividends or profits accrued or to accrue thereon, or anything of value whatsoever, not specified in the policy.

§ 6. No person shall receive or accept from any such company or association, or from any of its officers, agents, sub-agents, brokers, solicitors, employees, intermediaries or representatives, or any other person, and such rebate of premium payable on the policy or any special favor or advantage in the dividends or other financial profits accrued, or to accrue thereon, or any valuable consideration or inducement not specified in the policy of insurance.

§ 7. The Insurance Commissioner shall have the power to summon and compel the attendance of witnesses to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation; and shall also have the power to administer oaths and affirmations to persons appearing as witnesses before him; and any false swearing in and matter of proceeding aforesaid shall be deemed perjury and shall be punished as such.

§ 8. Any insurance company coming under the provi-

sions of this act, or any director or officer thereof, or any agent or person acting for or employed by any such company, or any other person or corporation, who shall wilfully do or cause to be done, or shall wilfully suffer or permit to be done, any act, matter or thing prohibited or declared to be unlawful by Sections 1, 2, 5, 6 and 7 of this act, or shall be guilty of any wilfull infractions of any of the said sections of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense; Provided, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination, such person shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars. It shall be the duty of the Insurance Commissioner or the Deputy Insurance Commissioner to inform the Attorney General and the Commonwealth Attorney of the district wherein the offense has been committed of any violation of Section 1, 2, 5, 6 and 7 of this act. It shall be the duty of the Deputy Insurance Commissioner to prepare all evidence for the prosecution of persons violating this act, and he shall appear in person at all trials to assist the Commonwealth Attorney in conducting the prosecution.

§ 9. No person shall be excused from giving testimony or producing evidence, when legally called upon so to do, at the trial of any person charged with violating any of the provisions of this act, on the ground that it may incriminate him under the laws of this State. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence under the authority of this act, except for perjury in so testifying.

§ 10. The Insurance Commissioner of this State shall receive one thousand dollars per annum, in addition to the compensation now received by him, for the duties imposed by this act; and in addition thereto, the Auditor of the State, shall be allowed, and shall appoint two deputies to assist him in discharging the added duties imposed upon him by this act; said deputies to serve for four years from date of appointment; the total amount of compensation for such deputies, however, not to exceed the sum of three thousand dollars per year each.

§ 11. It shall be the duty of the Insurance Commissioner of this State to, in addition to the amounts now authorized to be collected by him and paid into the State Treasury, collect from each insurance company coming under the provisions of this act, and doing business in this State during the preceding calendar year, or any part thereof, the proportion of said deputies salaries and the said thousand dollars additional to the Insurance Commissioner's salary which the gross premiums collected by said company during such year, upon property located in this State, bears to the aggregate amount of the gross premiums so collected during such year by all of the insurance companies affected by this act, transacting business in this State; Provided, That in computing such gross premium receipts, there shall be deducted therefrom the amount paid out for reinsurance and for return premiums on canceled policies. All moneys so collected by the Insurance Commissioner shall be paid into the State Treasury, to the credit of the Insurance Department, for the purpose of paying the expenditures authorized by this act.

§ 12. The provisions of this act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State,

and carried on by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative, inter-insurance and reciprocal exchange carried on by the members thereof solely for the protection of their property, and not for profit; nor to companies, societies or associations organized under the authority and patronage of any church or religious denomination, for the exclusive purpose of insuring the property of churches or religious denominations and the personal property of pastors and ministers thereof against loss or damage by fire, lightning or storm.

Said substitute amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Niles and Akin were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	C. W. Burton	Ben E. Niles
E. Bishop	D. Clarence Gray	David W. Wiley
H. C. Blades	Green R. Keller	

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Those who voted in the negative were—

William Ahl	Elkanah Dickey	Elwood Hamilton
George Baker	Francis B. Douglas	V. D. Hammond
Eli Berry	G. L. Drury	A. B. Hatton
A. V. Bertram	Eli Farmer	A. B. Holland
Thos. M. Bertram	John M. Farra	James R. Howell
John F. Brewer	S. Walton Forgy	John G. Kelley
Hiram Brown	John F. Fryer	W. E. King
Wallace Brown	Allie T. Gaines	M. C. Kirk
Wm. L. Bowling	T. J. Gregory	Charles H. Knight
George P. Chinn	Joe Hall	William J. Kuh

James A. Leach	A. W. Palmer	Adam Spahn
J. Albert Leach	W. F. Parker	John G. Stoll
F. A. Lochry	J. R. Paxton	C. B. Thompson
Hugh Mahin	William A. Perry	E. B. Thompson
Emanuel Meyer	W. V. Perry	Louis B. Tieman
Harry J. Meyers	John A. Polin	Yeaman Watkins
S. F. Middleton	Stanley F. Reed	J. H. Williams
R. C. McClure	S. L. Robertson	B. S. Wilson
Charles D. McCrea	Robt. H. Scott	Charles Yancy
C. B. Nichols	W. A. Shawler	Edward L. Young
L. B. Owen	Walter S. Sinclair	
Luther C. Owings	W. Scott Smith	—64

Mr. Hamilton moved that the further consideration of said bill be postponed indefinitely and

That the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled

S. B. 21. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate and control the rates of premiums thereon and creating a State Insurance Board and defining the powers and duties of said board.

Said motion was adopted.

The hour of 5 o'clock having been passed and the consideration of H. B. 62 having been finally disposed of,

Mr. Keller made the point of order that the consideration of H. B. 62 having been finally disposed of that the House should adjourn under the motion extending the session.

Said point of order was sustained by the Speaker, who declared the House adjourned.

FRIDAY, FEBRUARY 16, 1912.

The House was opened with prayer by the Rev. H. G. Turner of the Methodist Episcopal Church-South, of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following petitions were presented, viz.:

By Mr. Herrington:

1. Petition of sundry citizens of Madison County asking for the passage of a law permitting the use of school houses for farmers' organizations.

By Mr. Wallace Brown:

2. Petition of sundry citizens of Nelson County protesting against the passage of an act known as the Newcomb Automoble Bill.

By Mr. Reed:

3. Petition of sundry citizens of Mason County protesting against the passage of an act known as the Newcomb Automobile Bill.

By Mr. Collins:

4. Petition of sundry citizens of Fleming County ask-

ing for the passage of a law permitting the use of school houses for farmers' organizations.

By Mr. D. W. Wiley:

5. Petition of sundry citizens of Webster County asking for the passage of a law permitting the use of school houses for farmers' organizations.

Which were received, their reading dispensed with and referred,

1, 4 and 5. To Committee on Agriculture.

2 and 3. To Committee on Judiciary.

Mr. J. W. Holland moved that when this House adjourn today it be to meet on Monday, February 19th, at 12 o'clock, M.

Said motion was agreed to.

Mr. Hamilton offered the following resolution, viz.:

Resolution to appropriate money to pay expenses of Joint Committee which visited the State Prison at Eddyville.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of any money in the Treasury, the sum of $439.60, to pay expenses of the Joint Committee of the two Houses, which visited and inspected the State Prison at Eddyville, and the Auditor of Public

Accounts will upon the certificate of the Clerk of House of Representatives draw his warrant in favor of Oscar Vest, Sergeant-at-Arms of the House of Representatives for same.

In order to pay said expenses it is necessary that this resolution go into effect at once, and an emergency is declared to exist for its immediate passage.

Mr. Hamilton moved that the rules be suspended and that the House take up for consideration said resolution.

Said motion was agreed to and said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
C. W. Burton
George P. Chinn
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
W. F. Parker
J. R. Paxton
John A. Polin
W. A. Price

Stanley F. Reed	Adam Spahn	David W. Wiley
S. L. Robertson	John G. Stoll	J. H. Williams
S. H. Rogers	C. B. Thompson	B. S. Wilson
Robt. H. Scott	E. B. Thompson	Charles Yancy
W. A. Shawler	D. B. Thurman	Edward L. Young
Walter S. Sinclair	Louis B. Tieman	
W. Scott Smith	E. B. Wiley	—76

Those who voted in the negative were—

Wm. L. Bowling	Henry Chunn

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Mr. Hamilton moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Forgy moved that the rules be suspended that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

And that the same be made the special Order of the Day for Tuesday, February 20th, at 12 o'clock, meridian.

Said motion was disagreed to.

In response to demand made by and under the provision of the Constitution,

Mr. Hammond of the Committee on Agriculture reported bills of the following titles, viz.:

H. B. 146. An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs."

H. B. 84. An act to amend and re-enact Section 68a, Kentucky Statutes, Carroll's edition 1909, relating to the dogs and the promotion of the sheep industry.

H. B. 29. An act to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs."

H. B. 106. An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs."

H. B. 12. An act to amend and re-enact Section 68a, subsection 4, Carroll's compilation, Kentucky Statutes, 1909 edition.

Which were severally read the first time at length and ordered to be placed on the Calendar.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

S. B. 4. An act defining public roads; providing for their establishment, regulation and construction and use and maintenance; creating the office of Road Engineer and prescribing the duties thereof.

Said bill was ordered to be printed and referred to the Committee on Public Roads and Highways.

Mr. Drury moved that the rules be suspended and that

the House take up for consideration from the Orders of the Day a bill entitled,

S. B. 21. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate and control the rates of premium thereon and creating a State Insurance Board and defining the powers and duties of said Board.

Said motion was agreed to.

The House took up said bill for consideration together with the amendments heretofore proposed thereto by the Committee on Insurance—Fire and Marine.

Said bill reads as follows, viz.:

Be it enacted by the General Assmbly of the Commonwealth of Kentucky:

§ 1. There is hereby created a board, to be known as the State Insurance Board, which shall be composed of the Insurance Commissioner of the State of Kentucky, who, in addition to his duties now imposed by law, shall act as Secretary thereof, and two other members who shall be citizens of this State and be at least twenty-five years of age, to be appointed by the Auditor of Public Accounts, one of whom shall be Chairman of the Board. The Auditor of Public Accounts shall appoint two members immediately after this act takes effect and the appointments so made shall be for a term of four years. The board so constituted shall exercise all of the powers and duties and be charged with all the responsibilities embraced in this act and shall have the power to decide all questions required, authorized or per-

mitted to be passed upon by this act or incidental to the powers herein conferred. The members of said board, other than the Insurance Commissioner of the State of Kentucky, shall each receive a salary of $3,000 per annum. The Insurance Commissioner of the State of Kentucky shall receive $600.00 per annum in addition to the compensation now received by him, for the duties imposed by this act. Said board shall have the right to employ an attorney at a salary not to exceed $3,000 per annum and to employ such additional clerks or agents as may be necessary to carry out the provisions of this act, subject, however, to the limitations contained in this act as to the amount authorized to be expended by said board. The salaries of the members of said board and of the attorney for said board shall be paid monthly out of the treasury of the Commonwealth, out of the insurance fund, and the other expenses of the board shall also be paid out of said fund and all payments shall be by the warrant of the Auditor upon vouchers signed by the chairman and countersigned by the secretary of said board. The office of said board is fixed in the same office as that of the Insurance Commissioner of the State of Kentucky, and all of the regular meetings of the board shall be held and all of the records kept in such office; provided, that the board may hold special meetings at other places in the State if it so determines. The office of said board and of the Insurance Commissioner of the State of Kentucky shall always be kept together and the clerical force of said board and said Insurance Commissioner shall be jointly employed and their services used for the work of both of said offices.

§ 2. Every insurance company licensed to do business in this State, and doing, at the time that this act shall take effect, a business of insurance against loss or damage by fire, lightning, hail, windstorm or sprinkler leakage, shall

within thirty days thereafter file with the Secretary of the said board:

"A. Two copies of every general basis schedule now being applied in this State, showing all charges and credits, terms, privileges, riders and conditions, which in any wise effect rates, or the cost of insurance on property located in this State.

"B. Two copies of every book of published specific estimates or rates with inserts showing revisions and additions to date; two copies of every printed rate card where the rate card system is in use; and two copies of a statement showing every specific rate not given in a book of estimates or rates, or not given in a set of printed rate cards."

"The grade of each town or municipality shall be shown in connection with such information together with two copies of the inspection report upon which each town has been graded. The basis tables of the Analytic System that are in use in various localities shall be stated. In each case where the rate has not been formed by the application of a general basis schedule, the fact shall be noted. The information shall show also the general type of construction and occupancy of each risk and if it is protected by automatic sprinklers the fact shall be noted. Provided, that all companies that use the same general basis schedule and specific rates may authorize some agent to file the two sets of required information in common for all. Any company thus represented that deviates in any manner or particular from the information filed in common shall file in addition thereto a full statement of the plan of deviation which it follows. It shall be the duty of said board to consider the information thus filed, with reference to the reasonableness of the general basis schedules,

charges and credits, terms, privileges, riders and conditions, which in any wise affect rates or the cost of insurance, and with reference to the reasonableness of the specific rates and grading of towns and selection of basis tables. And said board shall make such alteration, change, rejection and substitution as will enable it to publish reasonable general basis schedules, showing all charges and credits, terms, privileges, riders and conditions which in any way affect rates or the cost of insurance, so that a reasonable rate may be formed for every risk in this State upon which insurance of the kind regulated by this act is written. After the publication of a general basis schedule, in the manner hereinafter provided, it shall be used by each insurance company regulated by this act for the formation of specific rates on all risks of the class to which the schedule applies. The rate obtained by faithful application of the appropriate general basis schedule published by the said board, shall be the lawful rate in this State. It shall be unlawful to use any other rate, except that obtained by uniform deviation from published schedule rates in the manner hereinafter provided. It shall be the duty of the said board to act upon as full information as possible in the preparation of a general basis schedule, and the said board is hereby empowered to call for and obtain from the insurance companies regulated by this act, any and all information that it deems useful. When the said board is ready to publish a general basis schedule, it shall notify all insurance companies and other interests concerned, by mail and such insurance companies and other interests shall examine the provisions of the said schedule. If objections are found, the objectors may file the objections in writing with the secretary of the said board within thirty days from the date of notification or may apply for a hearing upon the objections within the thirty days. If no objection is raised, the schedule shall be published at the end of thirty

days from the date of notification and shall take effect immediately. If objections are raised or a hearing asked, the said board shall take action thereafter upon the objections and requests presented. Such action by the said board shall be duly reported to all parties interested, by mail, and the schedule as affected by such action by the said board shall be published within fifteen days after such notification unless some interested party shall appeal to a court having jurisdiction, as hereinafter provided. Any interested party shall upon request be placed upon the mailing list of the said board and shall thereafter receive due notification of all actions taken by the said board that affect rates or the cost of insurance regulated by this act. It shall be the duty of each insurance company governed by this act, individually, or through some agency for the purpose, to apply each general basis schedule immediately after publication. The specific rates found by the schedule shall be filed with the secretary of the said board as soon as found. The said board in publishing each general basis schedule, shall set a date at which the filing of all specific rates under the schedule shall be completed, but such date may be extended for cause by the said board. All insurance governed by a general basis schedule and written after the date of publication shall be entitled to the rates established by the schedule. During the interim prior to the publication of a general basis schedule for a given class of risks, the existing specific rates may be used and the existing general basis schedule may be applied to new risks and to new conditions in old risks, and the said board shall make such temporary orders modifying existing specific rates or existing general basis schedules at the situation may demand. Such modifying orders shall be subject to the same course or procedure as prescribed for the publication of a general basis schedule. It shall be the duty of said board to provide for a system of adequate reports, from insurance

companies, their employes and agents or from property owners, and in such manner as the board may deem proper, for the purpose of showing the relations of losses to hazards in risks and rates of loss for normal and sub-normal risks. Such facts shall be given suitable publicity by the said board and shall be kept accessible to the representatives of any interest that may wish to know the facts in order to plan the removal of hazards or in order to justify a request for a modification in a general basis schedule or a specific rate filed with the said board.

§ 3. Every insurance company which shall hereafter take out a license in this State to do business of the kind coming under the provisions of this act, shall comply with all the requirements hereof, except that the information filed under Section 2 shall relate only to risks which are not governed by general basis schedules published by the said board and in force at the time the license is taken out.

§ 4. The said board may at any time after a published general schedule, specific rate, term, privilege, rider or condition, but shall observe the procedure prescribed for the publication of a general basis schedule. The said board also may at any time and in like manner recall a published general basis schedule and publish an entirely different basis schedule in place of the one recalled. Any specific rate may be changed by and insurance company when a survey discloses conditions which necessitate an altered rate through the application of the appropriate published general schedule. Such altered rate shall be filed immediately with the secretary of the said board. The said board shall prescribe rules for the keeping of proper records by all companies, bureaus and boards dealing with the application of published schedules so that the accuracy of the application in any in-

dividual case can be ascertained at any time by the said board. For the purpose of this act such bureaus and boards shall be considered to be agencies of their subscribers in the business handled. Any insurance company may pursue a plan of uniformly reducing all specific rates found for a class of risk by a general basis schedule. In such case the insurance company shall file notice of the intention to so reduce rates, showing the extent of the reduction.

§ 5. No insurance company coming under the provisions of this act shall engage or participate in the insurance of any property located in this State until it has complied with the provisions of Section 2 and Section 3 of this act, and no company, officer, agent or representative of any company shall write insurance at a rate different from the rate fixed in accordance with the provisions of Section 2 hereof, or refund or remit in any manner or by any device any portion of the rates so established, or extend to any or other person any special credit, privileges, advantages, favor, inducement, or concession.

§ 6. All general basis schedules which are in force in accordance with the provisions of this act shall be open to the inspection of the public and each local agent shall have and exhibit to the public a copy of the specific rates published for his locality. Whenever a risk is first rated, or re-rated, the local agent writing the insurance thereon shall furnish to the property owner a form showing all details in the formation of the rate.

§ 7. Wherever any insurance company, or other person, or city or town or their authorized representatives shall be dissatisfied with any regulation, order or rate adopted by said board, such insurance company, person or municipality,

or their authorized representatives shall have the right to apply in writing to said board for a modification or change of such regulation, order or rate and such writing shall set forth the action desired and the reasons therefor. Upon refusal of said board to take the action desired the applicant shall have the right within fifteen days to bring action against said board in the Circuit Court of this State at the domicile of the complaint, or where the risk is located, to have such regulation, order or rate vacated or modified, and shall set forth in the petition therein the particular ground or grounds of objections to such regulation, order or rate, and the modification or change desired, provided the said fifteen days and shall not begin to run until actual notice of the action on said application has been given to said applicant. In any such suit the issue shall be formed and the controversy tried and determined as in other equity cases and the court may set aside, vacate or annul one or more of any part of any of the regulations, orders or rates adopted or fixed by said board, which shall be found by the court to be unreasonable unjust or excessive, or inadequate to compensate the company writing insurance thereon for the risk assumed by it, and if the court sets aside, vacates, amends or modifies any rate, order or regulation in such suit, in its decision the court shall decide and fix, in lieu thereof, a rate order or regulation which it deems reasonable. No injunction, order or decree suspending or restraining directly or indirectly the enforcement of any order of said board shall be granted; provided, that the court may permit any company complaining of any order, regulation or rate made by said board to write insurance at the rates which obtained prior to the making of such order, regulation or rate complained of, upon condition that the difference between the rate complained of and the rate at which it is permitted to write insurance shall be paid into court, and upon the final determin-

action of the suit shall be paid to the insurance company if the court shall find it entitled to the same, or to the holders of policies written by said company after the rate complained of is ordered, as the court may deem just and equitable; and provided further, where any person or municipality or other insured or their representatives is the complainant, the court may order the difference between the rate deemed reasonable by the petitioner, and the rate complained of, to be deposited in court pending the final determination of the suit, in the same manner as herein provided for where the insurance company is the complanant; provided further, that if the court does not grant the order hereinabove referred to, the rate, regulation or order fixed by the said board shall remain in full force and effect. Whenever any action shall be brought by any insurance company under the provisions of this section, within said period of thirty days, no penalties or forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the order sought to be vacated or modified in such action until after the final determination of same. Tither party to any such action is dissatisfied with the judgment or decree or said court, may appeal therefrom as n other civil cases. No action shall be brought in any court of this State to set aside any order by said board under the provisions of this act until all the remedies before the said board provided for herein shall first have been exhausted by the party complaining.

§ 8. The governing authorities of municipalities of any class board of trade, commercial bodies or other kindred organization shall be authorized to apply to the said board to fix fire insurance rates, orders or regulations for their respective counties, municipalities, or particular localities, or special class of risks they may represent, and to test the reasonableness of such insurance rates, orders or regula-

tions, which may affect the interest they represent, before the courts, in the same manner as provided for in this act where suits are brought by individual insured interests.

§ 9. Any insurance company coming under the provisions of this act, or any director or officer thereof, or any agent or person acting for or employed by any such company, who alone, or in conjunction with any corporation, company or person, shall wilfully do or cause to be done, or shall wilfully suffer or permit to be done, any act, matter or thing prohibited or declared to be unlawful by this act, or who shall wilfully omit or fail to do any act, matter or thing required to be done by this act or shall cause or wilfully suffer or permit any act, matter or thing described by this act, not to be done, or shall be guilty of any wilful infraction of this act, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, in a court of competent jurisdiction, be punished by a fine of not less than one hundred dollars and not more than three hundred dollars for each offense; provided, that if the offense for which any person shall be convicted, as aforesaid, shall be an unlawful discrimination, such person shall be punished by a fine of not more than three hundred dollars and not less than one hundred dollars, or by imprisonment in the county jail for a term of not less than thirty days and not more than ninety days, or by both such fine and imprisonment. It shall be the duty of the said board to inform the Attorney General and the Commonwealth's Attorney of the district wherein the offense has been committed of any violation of this act. It shall be the duty of the attorney of the said board to prepare all of the evidence for the prosecution of persons violating this act, and he shall appear in person at all trials to assist the Commonwealth's Attorney in conducting the prosecution.

§ 10. Wherever a company is finally convicted in a court of competent jurisdiction, of violating any of the provisions of this act, as provided in Section 9, it shall be the duty of the Insurance Commissioner to revoke, if it be for the first violation of this act by such company, the authority of such convicted company and its agents to do business in this State for a period of three months, and, if it be a second conviction, the authority of such company, and its agents shall be revoked for a period of twelve months. The Insurance Commissioner shall give notice of such revocation in the manner now required by law, and until the expiration of that time such company and its agents shall be without authority to do business in this State, and shall forfeit to the State the amount of the unexpired portion of any license which has been paid.

§ 11. No person shall be excused from giving testimony or producing evidence when legally called upon so to do at the trial of any person charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence under the authority of this act, except for perjury in so testifying.

§ 12. Said board shall have the right, at any time it may be deemed necessary by said board so to do, to examine through agents appointed for that purpose, or otherwise, the books, records and papers of any insurance company affected by this act and which pertain to the rates charged for insurance regulated by this act, and to examine the surveys, books, records and papers of any Board of Underwriters, Rating Bureau or organization of any character composed

of insurance companies or their agents or person or persons performing duties connected with rates of insurance regulated by this act. If any Insurance Company fails or refuses to submit to such examination the Insurance Commissioner shall revoke or suspend all authority granted to the companies, or their agents composing such Board of Underwriters, or other organization, to transact business in this State.

§ 13. The total amount which said board shall be authorized to expend in one year, for all purposes, shall not exceed the sum of Twenty-five Thousand Dollars. It shall be the duty of the Insurance Commissioner of the State of Kentucky to, in addition to the amounts now authorized to be collected by him and paid into the State Treasury, collect from each insurance company coming under the provisions of this act and doing business in this State during the preceding calendar year, or any portion thereof, the proportion of said Twenty-five Thousand Dollars which the gross premiums collected by said company during such year from persons or upon property located in this State bears to the aggregate amount of gross premiums so collected during such year by all insurance companies affected by this act transacting business in this State, provided that in computing such gross premium receipts there shall be deducted therefrom the amount paid out for reinsurance and for return premiums on canceled policies. All moneys so collected by the Insurance Commissioner shall be paid into the State Treasury to the credit of the Insurance Department, for the purpose of paying the expenditures authorized by this act. If at the end of any year, it shall be found that the aggregate amount expended in carrying out the provisions of this act during such year has been less than Twenty-five Thousand Dollars, the amount remaining unexpended shall

be applied in the reduction of the amount to be collected from said companies for the ensuing year.

§ 14. The provisions of this act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State and carried on or by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative interinsurance and reciprocal exchange carried on by the members thereof solely for the protection of their property and not for profit; nor to companies, societies or associations organized under the authority and patronage of any church or religious denomination for the exclusive purpose of insuring the property of churches or religious denominations and the personal property of the pastors and ministers thereof against loss or damage by fire, lightning or storm.

§ 15. Inasmuch as it is of the greatest importance to all owners of property in this Commonwealth that the rates of premium charged for the character of insurance embraced in this act be properly regulated and re-adjusted at the earliest practicable time, an emergency exists and is hereby declared and this act shall take effect from and after its passage.

The amendment as heretofore proposed by the committee to said bill is as follows, viz.:

Amend by striking out of Section 7, commencing in line 22 the following words, "and if the court sets aside, vacates, amends or modifies any rate, order or regulation in such suit, in its decision the court shall decide and fix in lieu

thereof a rate, order or regulation which it deems reasonable.''

Said amendment was agreed to.

Mr. Howell offered the following amendments to said bill:

1. Amend Section 1 by striking out all of line 18 beginning with the word ''said'' and continuing to the end thereof and by striking out all of line 19 from the beginning thereof to and including the word ''per annum'' and inserting in lieu of the words so stricken the following: ''Said board in all legal matters shall be represented by the Attorney General except when it is impracticable for the Attorney General to represent said board, in which event the Attorney General is hereby empowered to employ an attorney to represent said board but the compensation of such attorney shall not exceed three thousand dollars in any one year to be paid as herein provided.''

2. Strike out lines 10, 11, 12 and 13 of Section 12 and substitute ''If any insurance company, rating bureau, board of underwriters or other organization or agent fails or refuses to submit to such examination the Insurance Commissioner shall revoke or suspend authority granted to such organization or agent to transact business in this State.''

Said amendments were adopted.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third read-

ing of said bill at length being dispensed with it was read the third time by its title and passed with the aforesaid amendments.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	T. J. Gregory	Luther C. Owings
Robert H. Akin	Joe Hall	A. W. Palmer
Eugene G. Asher	Elwood Hamilton	J. R. Paxton
George Baker	V. D. Hammond	William A. Perry
J. M. Bean	A. B. Hatton	W. V. Perry
Eli Berry	L. B. Herrington	Marion F. Pogue
A. V. Bertram	A. B. Holland	John A. Polin
Thos. M. Bertram	James R. Howell	W. A. Price
H. C. Blades	R. Dillard Hunter	S. L. Robertson
John F. Brewer	W. J. Jackson	Robt. H. Scott
Wallace Brown	Green R. Keller	W. A. Shawler
Wm. L. Bowling	John G. Kelley	Walter S. Sinclair
George P. Chinn	W. E. King	W. Scott Smith
Henry Chunn	Charles H. Knight	Adam Spahn
Sidney G. Clay	William J. Kuh	A. H. Stamper
Elkanah Dickey	James A. Leach	John G. Stoll
Francis B. Douglas	J. Albert Leach	C. B. Thompson
G. L. Drury	F. A. Lochry	E. B. Thompson
Ben F. Egleston	Hugh Mahin	D. B. Thurman
J. H. Elder	Emanuel Meyer	Louis B. Tieman
Eli Farmer	Harry J. Meyers	Yeaman Watkins
John M. Farra	S. F. Middleton	E. B. Wiley
S. Walton Forgy	R. C. McClure	J. H. Williams
John F. Fryer	Charles D. McCrea	B. S. Wilson
Allie T. Gaines	C. B. Nichols	Charles Yancy
D. Clarence Gray	L. B. Owen	Edward L. Young

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Those who voted in the negative were—

E. Bishop	Sidney J. Collins	S. H. Rogers
C. W. Burton	B. J. Matthews	David W. Wiley
	Ben E. Niles	

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Resolved that the title thereof be as aforesaid.

Mr. Williams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. W. V. Perry moved that the rules be suspended and that the House take up for consideration a bill which originated in the Senate entitled,

S. B. 40. An act to amend an act approved March 8, 1904, entitled an act entitled an act for the relief of the Court of Appeals, approved October 5, 1900.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, approved March 8, 1904, entitled "An act to amend an act entitled 'An act for the relief of the Court of Appeals, approved October 5, 1900,' " be amended by inserting after the word "Judges in the third line of said section, the words "and the Commissioner of Appeals," so that said section as amended and reenacted shall read as follows:

"That the judges of the Court of Appeals are hereby empowered to employ clerical assistance for each of said judges and the Commissioner of Appeals, and fix the compensation to be paid such assistants. Such compensation shall be paid monthly out of the treasury upon the warrant of the Auditor of Public Accounts, which shall be issued upon the certificate of the Chief Justice; and the compensation of such assistants shall not exceed for each assistant one hundred dollars a month. Such assistant shall be subject to removal at the pleasure of said judges, and shall not practice law or accept any employment or render any service as attorney or counsellor-at-law in the Court of Appeals.

§ 2. Because of the necessity for the clerical assistant herein provided for, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor as required by law.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Eli Berry	Hiram Brown
Robert H. Akin	A. V. Bertram	Wallace Brown
Eugene G. Asher	Thos. M. Bertram	George P. Chinn
George Baker	E. Bishop	Henry Chunn
J. M. Bean	John F. Brewer	Sidney G. Clay

Sidney J. Collins	W. E. King	W. V. Perry
Francis B. Douglas	M. C. Kirk	Marion F. Pogue
G. L. Drury	Charles H. Knight	John A. Polin
J. H. Elder	William J. Kuh	W. A. Price
Eli Farmer	James A. Leach	S. L. Robertson
John M. Farra	J. Albert Leach	Robt. H. Scott
S. Walton Forgy	F. A. Lochry	Walter S. Sinclair
John F. Fryer	Emanuel Meyer	W. Scott Smith
Allie T. Gaines	Harry J. Meyers	Adam Spahn
Elwood Hamilton	S. F. Middleton	A. H. Stamper
V. D. Hammond	R. C. McClure	John G. Stoll
A. B. Hatton	Charles D. McCrea	C. B. Thompson
L. B. Herrington	C. B. Nichols	E. B. Thompson
A. B. Holland	L. B. Owen	D. B. Thurman
John W. Holland	Luther C. Owings	Louis B. Tieman
R. Dillard Hunter	W. F. Parker	E. B. Wiley
Earl C. Huntsman	J. R. Paxton	B. S. Wilson
Green R. Keller	William A. Perry	Charles Yancy

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Those who voted in the negative were—

Elkanah Dickey	T. J. Gregory	B. J. Matthews
D. Clarence Gray	John G. Kelley	

—5

Resolved that the title thereof be as aforesaid.

Mr. W. V. Perry moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Keller of the Committee on Tuberculosis to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 235. An act concerning tuberculosis and to pro-

vide for the creation of a commission to be known as the Kentucky Board of Tuberculosis Commissioners to define its powers and to make an appropriation therefor and to authorize and provide for the establishment of districts consisting of one or more than one county and to authorize and provide in such district for the location, erection, organization and management of a district Sanitorium for the care, and treatment of tuberculosis and authorizing county district taxation for the purpose of making an appropriation for the purchase of the necessary land and construction and equipment of necessary buildings and an annual appropriation for the maintenance of such sanitorium.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a commission to be known as the Kentucky Board of Tuberculosis Commissioners. Said commission shall consist of seven (7) persons, men and women, and the Governor of this Commonwealth, who shall be ex-officio a member thereof. Said commissioners shall be appointed by the Governor of the Commonwealth, and two of said commissioners shall be regular registered physicians. The first commissioners appointed under this act shall hold their office for the following terms, viz.: Two for a period of one year, two for a period of two years, and three for a period of three years, and, in making such appointments, the Governor shall designate the term of each appointee. All subsequent appointments shall be made by the Governor for a term of four years and until their successors are appointed and qualified. Any vacancies occurring in said commission shall be filled for the unexpired

term by the Governor. Said commissioners, or any of them, may be removed by the Governor at any time for cause.

§ 2. For the purposes of this act, the Board of Commissioners and their successors in office shall be a body corporate with all the powers necessary to carry into effect the purposes of this act. Said commissioners, as soon as possible after their appointment and qualification, shall adopt a seal and organize by electing a president and a secretary and treasurer to serve for one year and until their successors are elected and qualified, but the same person may be elected to serve both as secretary and treasurer and need not be a member of the commission, and said secretary and treasurer shall execute a bond to the people of the State of Kentucky for the faithful performance of his or their trusts and for the proper handling and accounting for of all the properties, assets and moneys of the commission that may come into his or their hands at any time in such amount and in such form and with such sureties as the commission shall approve. Said secretary and treasurer may at any time be removed and a successor be appointed by said commission in its discretion. A majority of said commission shall constitute a quorum. Said commission shall, as soon as practicable after its appointment and qualification, select a permanent place for its meetings, and shall in such place have a permanent office, which office shall be kept open for the transaction of its business at all times in the same manner as other public offices are required to be kept open in this Commonwealth, and it shall be the duty of the commission by and through its secretary to preserve all books, papers, reports and writings concerning the acts and doings of said commission in said office and same shall be public records and open to the inspection of the public as other public records are required to be preserved and exhibited

in this Commonwealth. Said commission, in addition to the officers heretofore mentioned, may, in their discretion, appoint such other officers and employes as they may deem necessary to carry out the purposes of said commission, and shall fix the compensation of all employees at such amounts as they may deem necessary, but in no event to exceed the annual appropriation hereafter made for the purposes of said commission.

The secretary in the absence of the commission shall have general charge of the office of said commission and be responsible to the commission for its proper conduct, and the commission may arrange in the absence or disability of the secretary for any other employee that it may deem proper to take charge and conduct such office.

The members of said commission shall receive no compensation for their services, but they shall be reimbursed out of the annual appropriation for the use of said commission for their actual expenses necessarily incurred in the performance of their duties upon vouchers duly approved by the commission, signed by the secretary and countersigned by the president thereof.

Said commission shall have full power to establish such by-laws as it may deem necessary and expedient from time to time for its own conduct, and also defining and fixing the duties of all officers and employes or assistants of said Commission.

§ 3. The powers and duties of the Commission shall be co-extensive with the State. The objects of said Commission shall be as follows:

1. The study of tuberculosis in all its forms and rela-

tions. To secure and disseminate information with reference to tuberculosis, to promote and carry on a campaign of education with reference thereto, and in general to pursue any other activities with reference to informing the public as to the nature of tuberculosis, its dangers and the means whereby its spread may be prevented.

2. Investigation of the prevalence of tuberculosis in the State of Kentucky and the collecting and publishing of useful information.

3. Securing of proper legislation for the relief and prevention of tuberculosis.

4. Co-operation with the public authorities, State and local Boards of Health, the National Association for the study and prevention of tubercuolsis, medical societies and other organizations in approved measures adopted for the prevention of the disease.

5. To encourage the establishment throughout the State of Kentucky of local associations for the purpose of undertaking in their particular localities the work proposed to be carried on by this Commission.

6. Encouragement of adequate provision for consumptives by the establishment of sanatoria, hospitals and dispensaries.

And they shall have full power and authority to carry out and execute all of the foregoing purposes, and, in addition thereto, it shall be the duty of the Commission to recommend to the proper authorities suitable persons for appointment by it as members of the Boards of Trustees of

any sanatoria that may be established under the provisions of this act, and it shall further be their duty to visit at such periods as in their discretion may be sufficient, any sanatoria that may be established under the provisions of this act, and to recommend to the Boards of Trustees of such sanatoria any changes in management or in the employes that they may deem necessary and proper, and it shall be their duty, if in the opinion of such Commission any Board of Trustees or members of such board or employes under such board of any sanatoria, State or county, in this Commonwealth are incompetent or neglectful of duty, to prefer charges against such board or such member of such board or such employee under such board. All charges against a Board of Trustees or a member thereof shall be made to the officer authorized to make such appointment, and, if he deem such charges adequate and sustained, it shall be his duty to remove such board or such member thereof, and all charges against employes shall be made to the board by whom employed, and, if in the opinion of said board such charges are adequate and sustained, such board shall at once remove such employe or employes.

Said Commission is further empowered to visit all private incorporated sanatoria and all other sanatoria coming within the provisions of this act, and to ascertain and keep a record of the condition and efficiency of such sanatorium. It shall be the duty of the Commission to visit all sanatoria, both public and private incorporated, at least once during each calendar year and to report and file with their records a statement of the condition and efficiency of each sanatorium.

§ 4. The sum of fifteen thousand dollars ($15,000) annually is hereby appropriated for the payment of the ex-

penses in carrying out the purposes of said Commission, said appropriation of fifteen thousand dollars ($15,000) to be available on the passage of this act, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer of the State in favor of the Treasurer of said Commission for said appropriation of fifteen thousand dollars ($15,000) annually upon the first day of July in each year upon the order of said Commission evidenced by a voucher duly approved and signed by the secretary of said Commission and countersigned by the president thereof. All vouchers shall be issued in duplicate and a copy of which shall be filed quarterly with the Auditor of Public Accounts.

§ 5. All printing which shall be required by the Commission aforesaid shall be done by the public printer upon the same terms and in the same manner as other public printing is required to be done.

§ 6. Be it further enacted that: Sanatoria for the treatment of tuberculosis may be erected and maintained in and by districts in this Commonwealth in the following manner: A district for the erection and maintenance of a tuberculosis sanatorium may consist of one county or of more than one county, said counties being contiguous to each other. The Fiscal Court of any county may by resolution declare that such county shall be a district for the erection and maintenance of a sanatorium for the treatment of tuberculosis, and said fiscal court upon such resolution being passed shall, out of the funds of the county, appropriate a sufficient amount for the erection of such sanatorium, or, if there are not sufficient funds on hand for such appropriation at the time said resolution is adopted, at the next succeeding county levy said court may make such levy as will be sufficient to produce the necessary amount, and shall further

make a levy for the maintenance of such sanatorium, and shall annually thereafter make a levy of sufficient amount of tax to pay the annual expenses of maintenance of said institution. The fiscal courts of two or more contiguous counties may by resolution duly passed by each court unite said counties into a district for the purpose of establishing therein a sanatorium for the treatment of tuberculosis and at the time of passing said resolution, each court shall provide an appropriation for the proportion of the cost of erection of such sanatorium to be paid by such county, or, if the funds are not on hand for that purpose, shall at the next regular meeting of the fiscal court at which a county levy is made levy a tax for that purpose, and also levy a tax for the payment of the proportionate part of the annual maintenance of said sanatorium to be paid by such county and shall thereafter make an annual levy of tax sufficient in amount to pay the proportion of the costs of said county for the succeeding year. Where two or more counties unite to form such district, the first cost of all betterments and additions thereto shall be paid by the counties comprising the district in proportion to the taxable property of each county as shown by their respective county assessments. The annual expense of maintaining such institution and the care and treatment of the patients therein shall be borne by each county reasonably and equitably in such amounts as shall be ascertained under rules and regulations to be passed and approved by the Kentucky Board of Tuberculosis Commissioners aforesaid, which rules and regulations shall be such that the expense shall be borne reasonably and equitably by each of the counties in their proper proportion.

§ 7. If the fiscal court of any county or counties shall fail or refuse to establish a tuberculosis sanatorium district, as herein authorized, the citizens of any county or of two

or more contiguous counties may have such county or such contiguous counties established as a tuberculosis sanatorium district in accordance with the provisions of this act, in the following manner: Twenty or more legal voters of such county may file their petitions with the County Judge of such county that the proposition of establishing such county as a district for the erection of a sanatorium for the treatment of tuberculosis be submitted to the voters of said county at the next general election which shall be held in said county, provided that such general election does not occur within less than thirty days after the filing of said petition. Each voter signing said petition shall state his full name and address. Upon the filing of said petition with the County Judge, he shall enter an order directing the publication in full of such petition in the newspaper having the largest circulation in said county at least once a week for four consecutive weeks next preceding such general election, and shall further enter an order directing the clerk of the County Court to have placed upon the ballot at such election the question: "Are you in favor of establishing a tuberculosis sanatorium district?" with underneath, the words "Yes" followed by a square and "No" followed by a square for the plancing of the stencil of the voter. If the majority of those voting on the proposition to establish such sanatorium district vote "Yes," then said district shall be established. If the contrary, then it shall not. The vote on such question shall be canvassed and returned by the Board of Election Commissioners for such general election, and such election may be contested as provided by law for other contested elections, by a petition filed in the Circuit Court of such county by one or more qualified voters of said county who voted "Yes" or "No" as the contest may be had, and to which the members of the fiscal court of the county shall be made defendants, together, with such other qualified voters as may

have voted contrary to the contestants and desire to be made parties to the contest.

Where the citizens of two or more contiguous counties desire to have such counties established into a district for the erection of such sanatorium, not less than twenty qualified legal voters of each county shall file a petition in the county of their residence asking that such district be established and naming the several counties to be united in the district. Such petition shall be filed in each county of the proposed district and the method of proceeding in each shall the the same as hereinabove provided for one county, except that the same proceeding shall be taken in each county for the general election to be held at the same time in each county. If any one county in the proposed district shall fail to vote "Yes" on the proposition, then said district can not be established unless by a contest of the election in such county it should be finally determined that such county had voted "Yes." At the time of filing the petition or petitions, as the case may be, the petitioners shall deposit with the county judge a sufficient sum of money to pay the cost of advertising hereinabove required.

§ 8. The result of any county or district election shall be certified to the fiscal court of such county or to the fiscal court of each of the counties composing said district to be established, and said fiscal court or courts shall, if the result of said election be certified to it or them as in favor of the establishment of such district, forthwith proceed to declare such county or counties a district for the establishment of a sanatorium for the treatment of tuberculosis, and shall proceed to put same into effect in the same manner as fiscal court or courts are authorized to do upon their own initiative as hereinabove provided, and the cost and expenses of

erection and maintenance shall follow in all manners the same as hereinabove provided.

§ 9. Upon the creation of a tuberculosis district, the fiscal court of the county or the fiscal courts of the several counties, where there are several counties in such district, shall at once notify the Kentucky Board of Tuberculosis Commissioners of the establishment of such district, and, thereupon, it shall be the duty of the Kentucky Board of Tuberculosis Commissioners to recommend to the County Judge or, if more than one county, to the County Judge of each county the appointment of suitable persons for such district board of trustees. The district board of trustees where the district shall consist of but one county, shall consist of seven persons, men and women at least one of whom shall be a registered physician, and for the purpose of such appointment the Board of Trustees shall recommend not less than fourteen names of persons, men and women, duly qualified citizens of such county, for appointment.

Where the district consists of several counties, the District Board of Trustees shall consist of not less than two nor more than four persons from each county, provided, however, that no board shall consist of less than seven persons. Where any county in such district shall have a population in excess of 20,000, such county shall be allowed a trustee for each 10,000 in excess of said 20,000 of population, subject, however, to the limitation hereinbefore set down. Said trustees shall consist of men and women and at least one shall be a registered practicing physician. The Commission in recommending names to the County Judge of County Judges for such appointment shall recommend twice as many names for each county as the county shall be entitled to have trustees appointed, out of which names the County Judge of each county shall make his selection for that county.

§ 10. The Kentucky Board of Tuberculosis Commissioners upon the establishment of such district shall select a site for said sanatorium in such part of the district as in their judgment shall be best adapted to the wants of the institution and most economical to the district, having regard in the selection to water supply, drainage, facility of access, with a quality of soil suitable for farming purposes, and price asked for the land, and all plans and specifications for the erection of such building shall be submitted to the Commission for its approval, and, if approved by it, such district shall be authorized to proceed at once with the erection of same. If not approved by the Commission, then the Commission shall make such recommendations as to it may seem best, and if such recommendations are accepted by the fiscal court or courts of the district, then they shall proceed with the erection of a sanitorium in accordance with the recommendations of the Commission.

§ 11. The government of such district sanatorium shall be vested in the Board of Trustees heretofore provided for, and the terms of office of said persons first appointed by the County Judge or County Judges, as provided for, shall be as follows: one-third of said number for a term of two years, one-third for a term of three years and one-third for a term of four years, and where the board shall consist of seven or such number as cannot be divided by three, the number in excess of one-third of the next even number into which said board can be divided shall be appointed for a term of four years. Thus, where there are seven trustees, two for two years, two for three years and three for four years. Thereafter, as their terms expire, their successors shall be recommended and appointed in the same maner, but for a term of four years each. Such trustee shall hold office until his or her successor is appointed and qualified. Any vacancy oc-

curring in said board shall be filled for the unexpired term by the County Judge of such county by appointment on recommendation of the Kentucky Board of Tuberculosis Commissioners of two names from the county in which such vacancy occurs.

§ 12. For the purpose of this act, such District Board of Trustees and their successors in office shall be a body corporate under the name and style of District Board of Tuberculosis Sanatorium Trustees for .....County or .....Counties, as the case may be, and they shall have all the powers necessary to carry into effect the purpose of this act. Said trustees, as soon as possible after their appointment and qualification, shall adopt a seal, organize by electing a president and a secretary and treasurer to serve for two years and until their successors are elected and qualified, but the same person may be elected to serve both as secretary and treasurer and need not be a member of the Board of Trustees, and said secretary and treasurer shall give bond to the people of the State of Kentucky for the faithful performance of his or their duties and for the proper handling of all of the properties, assets and moneys of the institution that may come into his or their hands at any time in such sum and in such form and with such sureties as said District Board of Trustees shall approve. Said secretary and treasurer may at any time be removed and a successor appointed by said District Board of Trustees in its discretion. A majority of said District Board of Trustees shall constitute a quorum.

§ 13. The Fiscal Court or courts of the county or counties composing such district shall from time to time as the tax levied for the purpose of said sanatorium are collected, appropriate same to the use of such sanatorium and shall

direct the County Treasurer to pay the amount of such appropriation to the secretary of said sanatorium, and to take the receipt of said secretary, countersigned by the president of said sanatorium as his voucher therefor.

§ 14. Said Board of Trustees, as heretofore created, shall have the general control of the property and affairs of the sanatorium, and shall take such action as shall be necessary to carry out the purposes of this act.

§ 15. The members of the Board of Trustees shall receive no compensation for their services, but they shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties, upon vouchers duly approved by the Board of Trustees, signed by the secretary and countersigned by the president thereof.

§ 16. There shall be a thorough visitation of said sanatorium by two of the trustees thereof monthly, and by the whole board annually. On each of these occasions a written report of the state of the institution shall be submitted to them by the superintendent of the sanatorium. On the first Friday in June of each year there shall be held the regular annual meeting of the Board of Trustees, at which the superintendent of the sanitorium and the secretary and treasurer thereof shall each submit a report of the affairs of the sanatorium in such form as may be prescribed by the Kentucky Board of Tuberculosis Commissioners, and the secretary and treasurer shall also submit a statement of his accounts and the reports of the superintendent and secretary and treasurer, and the latter's statements of accounts shall be transmitted in duplicate by the board, with their annual report, to the Kentucky Board of Tuberculosis Commissioners and by said Commission with its recommendations thereon to the Governor for approval, and the financial part and such

other parts of said report as are indicated by the Commission for publication by the State Auditor.

§ 17. The District Board of Trustees shall appoint a medical superintendent of the sanatorium for tuberculosis not a member of said board, who shall be a legally qualified physician. He shall be a graduate in medicine and surgery from some medical college recognized as in good standing by the State Board of Health, and of acknowledged skill in his profession, and must have had special training and experience in a hospital or sanatorium for tuberculosis, and such medical superintendent shall, in all matters pertaining to the sanatorium, be under the general supervision of the Board of Trustees, who may remove him at any time for cause upon written charges preferred and after he has been given an opportunity to be heard in his own behalf, and appoint his successor.

§ 18. The District Board of Trustees shall have power to establish such by-laws as it may deem necessary and expedient from time to time for defining the duties of officers, assistants or employes, for fixing the conditions of admission to the institution, support and discharge of patients, and for conducting in a proper manner the professional and business affairs of the sanatorium, and also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the sanatorium.

§ 19. No person shall be received into said sanatorium as a patient, unless said person shall have been a resident of Kentucky and of said district for at least twelve months next preceding such person's application for admission into said sanatorium, and no person entitled to be admitted as above shall be received as a free patient in said sanatorium, unless said person shall file with his or her application for admis-

sion into said sanatorium a certificate of the County Judge of the county of which such person is a resident, stating that from evidence submitted to said County Judge, he is of the opinion that such applicant is unable to pay for maintenance in said sanatorium. The Board of Trustees of said sanatorium shall have power to provide by rule, the character of examination to which any applicant for admission into said sanatorium shall submit before being received into said sanatorium for the purpose of ascertaining whether or not such applicant is suffering from tuberculosis. No greater number of persons shall be admitted to said institution than can be properly taken care of and treated. As nearly as it may be done, each county of the district shall have the right to have admitted its proper and proportionate number of free patients, who are unable to pay their maintenance in said sanitorium. The expenses of conveying indigent patients to the sanitorium shall be paid by the county of which said patient is a resident.

§ 20. Where patients who have been, or may be maintained in said sanatorium, have or shall acquire estate which can be subjected to debt, the County Attorney of such county of said patient's residence is authorized and directed in every such case, to sue them in the name of said sanatorium, and recover the amount of such patient's maintenance, or so much thereof as such estate will suffice to pay for the time such patients shall have been kept and maintained therein, and not otherwise paid for, and by proper proceedings subject their estates, respectively, for the payment thereof; and when the husband, wife or parent of any such patient, who has been or may be supported in said sanatorium, shall have estate sufficient for the support of such patient, in addition to the support of any other person, who may be dependent on such husband or parent, in like manner to sue and re-

cover for such husband the amount of his wife's maintenance, from such wife the amount of her husband's maintenance, from such parent the amount of his or her child's maintenance at the rate aforesaid for the time that they shall have been respectively maintained by said sanatorium, and the statute of limitations providing the time in which actions for such recovery may be instituted shall not run against recovery herein provided for until from and after time at which said estate is acquired. Such suit shall create a lis pendens lien, and if judgment is obtained, such judgment shall constitute a lien upon so much of the patient's estate as it described in the petition, and said County Attorney shall be allowed a fee of 15 per cent of the amount collected for his services.

§ 21. If at any time the accomodations of the sanatorium will permit the treatment and cure of patients in excess of the indigent patients sent by the various counties, as hereinbefore provided, persons suffering from tuberculosis who are able to pay for their care and maintenance, or who have persons or kindred bound by law to maintain them, may be admitted to the sanatorium, and the charges for the support and care of such patients shall be paid to the corporation through the medical superintendent for such patients, persons or kindred, at a rate to be determined by the Board of Trustees of said sanatorium. Before such person shall be admitted to the said sanatorium, for the purpose of determining whether or not they are afflicted with tuberculosis, they shall submit to such an examination as the Board of Trustees may by rule determine.

§ 22. The medical superintendent shall be the chief executive officer of the sanatorium. He shall have the general superintendence of the buildings, grounds, furniture,

fixtures, stock and the direction and control of all persons therein, subject to the by-laws and regulations prescribed by the District Board of Trustees. He or his representative shall daily ascertain the condition of each and all the patients and prescribe or direct their treatment. He shall cause full and fair records of all his official acts and the entire business and operation of the sanitorium to be kept regularly from day to day, in the manner and to the extent prescribed by the by-laws; and he shall see that all the accounts and records are fully made up to the last day, and present the same to the Board of Trustees at their annual meeting. It shall be the duty of the medical superintendent to admit any member of the Board of Trustees, or any member of the Board of the State Commissioners at any time into every part of the sanitorium, and to exhibit to him or them on demand, all the books, papers, accounts and writings belonging to the sanatorium, or pertaining to its business management, discipline, or government. He shall make at the time of reception of patients a record of the date of same, name, age, residence, occupation, and such other statistics in regard to every patient admitted to the sanatorium as the by-laws may require. The medical superintendent shall have power to appoint, with the advice and consent of the Board of Trustees, whenever in their discretion it seems necessary, an assistant physician or physicians, each of whom shall be a legally qualified physician, a graduate in medicine and surgery from some medical college recognized as in good standing by the State Board of Health and of acknowledged skill in the medical profession. The medical superintendent shall also have power to remove such assistant physician or physicians, with the consent of of the Board of Trustees. The medical superintendent shall have the power and authority to employ any servant, or employes at the sanatorium, all of whom shall be under his

direct supervision, and any of whom may be removed by him at will. All moneys collected by the medical superintendent shall be immediately paid over by him to the Treasurer of the sanatorium, and his receipt be taken therefor. No fees or money of any kind shall be collected by the medical superintendent or any employe of said sanatorium from any patient for services rendered such person while a patient in said sanatorium.

§ 23. No member of the Board of Trustees of said sanatorium, and no employe thereof, shall be interested directly, or indirectly, in any contract, or receive any benefie directly, or indirectly, from any contract made with said sanatorium.

§ 24. The secretary or treasurer, as provided in the by-laws, shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to said sanatorium, and moneys shall be disbursed only for the uses and purposes of the sanatorium and in the manner prescribed by the by-laws or itemized vouchers allowed by the Board of Trustees, and signed by the secretary and countersigned by the president. He shall keep full and accurate accounts of all receipts and payments in the manner directed in the by-laws and such other accounts as the Board of Trustees shall prescribe; he shall render statements of accounts of the several books, and of the funds and other property in his custody whenever required so to do by the Board of Trustees. He shall have all accounts and records fully made up to the last day preceding the annual meeting, and present the same to the Board of Trustees at their annual meeting.

§ 25. The Fiscal Court of any county in lieu of providing for the erection of a district sanatorium for tubercu-

losis, may contract with the District Board of Trustees of any other district where such sanatorium has been constructed for the care and treatment of the residents of such county who are suffering from tuberculosis, and the Fiscal court of the county in which such patients reside shall pay to the sanatorium of the district receiving such patients the actual cost incurred in their care and treatment and other necessaries, and shall also pay for their transportation, and shall pay such further sum to such sanatorium as the Board of Trustees may, under proper rules and regulations, provide.

§ 26. The Kentucky State Board of Tuberculosis Commissioners and all sanatoria established under this act shall at all reasonable times keep open, for the inspection of the State Inspector and Examiner, all of its records and books of account.

§ 27. All acts and parts of acts in conflict with this act are hereby repealed.

§ 28. If any section of this act shall be held to be invalid, such fact shall not effect any other section of tnis act, it being the intention of the General Assembly in enacting this act to enact each section separately, and, if any proviso or exception contained in any section of this act shall be held to be invalid, such fact shall not effect the remaining portion of said section, it being the intention of the Legislature to enact each section of this act and each proviso and exception thereto separately.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it, was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Elwood Hamilton	W. F. Parker
George Baker	V. D. Hammond	William A. Perry
Eli Berry	A. B. Hatton	W. V. Perry
Thos. M. Bertram	John W. Holland	Marion F. Pogue
E. Bishop	Earl C. Huntsman	W. A. Price
H. C. Blades	Green R. Keller	S. L. Robertson
John F. Brewer	W. E. King	Robt. H. Scott
Hiram Brown	M. C. Kirk	Walter S. Sinclair
Wallace Brown	Charles H. Knight	W. Scott Smith
C. W. Burton	William J. Kuh	Adam Spahn
George P. Chinn	James A. Leach	A. H. Stamper
Sidney G. Clay	J. Albert Leach	John G. Stoll
Sidney J. Collins	Hugh Mahin	C. B. Thompson
Francis B. Douglas	B. J. Matthews	E. B. Thompson
Ben F. Egleston	Emanuel Meyer	Louis B. Tieman
J. H. Elder	Harry J. Meyers	E. B. Wiley
Eli Farmer	R. C. McClure	J. H. Williams
John M. Farra	Charles D. McCrea	B. S. Wilson
John F. Fryer	C. B. Nichols	Edward L. Young
Allie T. Gaines	Ben E. Niles	

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Those who voted in the negative were—

Robert H. Akin	T. J. Gregory	J. R. Paxton
Eugene G. Asher	Joe Hall	John A. Polin
J. M. Bean	A. B. Holland	S. H. Rogers
A. V. Bertram	R. Dillard Hunter	W. A. Shawler
Henry Chunn	W. J. Jackson	D. B. Thurman
Elkanah Dickey	John G. Kelley	Yeaman Watkins
G. L. Drury	F. A. Lochry	David W. Wiley
S. Walton Forgy	L. B. Owen	Charles Yancy
D. Clarence Gray	A. W. Palmer	

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Resolved that the title thereof be as aforesaid.

Mr. Keller moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of 12 o'clock, meridian, having arrived,

Mr. J. W. Holland moved that the consideration of the Orders of the Day be postponed and that the standing committees be called for reports.

Said motion was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 83. An act to repeal Chapter 10 of the Session Acts of 1906, relating to tax on dogs.

By same:

H. B. 128. An act to amend Section 68a, Kentucky Statutes (Carroll's Edition, 1909), relating to taxation of dogs.

By same:

H. B. 241. An act to repeal Section 68 of the Kentucky Statutes relating to the dog law.

By Mr. Wallace Brown of the Committee on Corporate Institutions:

H. B. 374. An act to regulate the sale and distribution of gas, heat, light, water, ice, coal, and other commodities, and providing a penalty for violation of same.

By same:

H. B. 453. An act to prohibit the use of the name or brand of a manufacturer on labels without authority.

By Mr. L. B. Owen of the Committee on Classification of Cities and Towns:

H. B. 162. An act to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to assign the cities and towns of this Commonwealth to the class to which they belong, approved the —— day of ——, 1910.

By Mr. Kelley of the Committee on Cities of the Fifth and Sixth Class:

H. B. 122. An act to repeal the charter of the town of Grand Rivers in Livingston county.

By Mr. Polin of the Committee on Circuit Courts:

H. B. 408. An act to amend an act entitled "An act to regulate the holding of circuit courts in counties in which there are towns over seventeen miles from the county seat, and having a larger population than the county seat," which act was approved February 29, 1904.

By Mr. Thurman of the Committee on Criminal Law:

H. B. 46. An act making it unlawful to obtain, with

fraudulent intent, money or other property, or to obtain credit with like intent by means of a check, draft or order, and defining penalty therefor.

By Mr. Collins of the Committee on Charitable Institutions:

H. B. 473. An act to amend Section 217 and Subsection 8 of 217a of Article 1, and Section 272 of Article 3, Chapter 16, Kentucky Statutes, Carroll's 1909 Edition, said chapter being entitled Charitable Institutions.

By Mr. Pogue of the Committee on Education No. 1.

H. B. 310. An act relating to the qualifications of superintendents of common schools.

By Mr. D. W. Wiley of the Committee on Fish and Game:

H. B. 420. An act to amend and re-enact Section 1899, Carroll's 1909 Edition, Kentucky Statutes, relating to the unlawful catching of fish, in the streams, lakes and ponds of this State forming the boundary line thereof.

By Mr. Akin of the Committee on Insurance—Life and Accident:

H. B. 440. An act to repeal and re-enact Section 656 of the Kentucky Statutes so as to prevent rebates, discriminations, estimates and misrepresentations in life insurance.

By same:

H. B. 439. An act to amend an act entitled "An act for

the creation and regulation of private corporations'' being an act relating to the subject of insurance and the transaction of the business of life or casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan.

By Mr. Reed of the Committee on Constitutional Amendments:

S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Said bills were severally read the first time at length and ordered to be placed upon the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Akin of the Committee on Insurance—Life and Accident:

H. B. 360. An act to repeal the latter part of Section 679, Kentucky Statutes, which part became a law March 24, 1906, which relates to fraternal insurance.

H. B. 336. An act to amend Section 653 of the Kentucky Statutes.

The question being taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

Mr. Pogue of the Committee on Education No. 1 which had originated the same reported a bill of the following title,

H. B. 510. An act to provide for consolidation of sub-districts and transportation of pupils.

Said bill was read the first time at length, ordered to be printed and placed on the Calendar.

Mr. Dickey moved that the vote by which the House ordered that when it adjourned finally today it be to meet again on Monday next at 12 o'clock, meridian, be reconsidered.

The hour of 1:30 o'clock having arrived, the House recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

The House reconvened at 3 o'clock p. m.

Mr. W. V. Perry moved to amend the rules governing the afternoon session as that the House may fix the time to which it will adjourn.

Said motion was agreed to.

Mr. J. W. Holland moved that the motion made by Mr. Dickey in the forenoon session to reconsider the vote by which the House agreed that when the House adjourn finally on today it be to meet again on Monday, next, at 12 o'clock, be laid on the table.

Said motion was agreed to.

Mr. Wilson moved that the rules be suspended and that he be granted leave to introduce a bill.

Said motion was agreed to.

Thereupon Mr. Wilson introduced a bill entitled,

H. B. 511. An act to further regulate telephone companies.

Which was ordered to be printed referred to the Committee on Suffrage and Elections.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 143. An act to provide for the use of district schoolhouses out of school hours.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 113, Article 8, Section 4440, Carroll's Kentucky Statutes, 1909, be amended as follows: That there be inserted in the 34th line, at the end of that sentence reading, "Who shall be liable for any damage occurring on account of neglect," the following:

"Provided, however, that when a responsible person of any subdistrict may apply to any subdistrict trustee for the use of a schoolhouse, to be used when the school is not in session, during school hours or vacations, by any lawful assembly of educational, religious, agricultural, political, civic

or social bodies, organizations or gatherings, and if said subdistrict trustee refuse the use of same, then the said trustee shall state his cause for refusal in writing, and if a demand, signed by five freeholders of said subdistrict be presented to said subdistrict trustee, then he shall deliver or cause to be delivered, the keys to said schoolhouse, to such freeholders, who shall be responsible for the care of said school property and of avoidable damages and the return of the key to the teacher of said district, if school be in term session, or to the subdistrict trustee during vacations."

All laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Mr. Kelley offered the following amendment to said bill:

Insert the following after the word "and" at the end of line 15: That the said freeholder shall sweep, clean and dust said schoolhouse and furniture and arrange all desks and chairs in the same position as they occupied at the time they were given into the possession of the freeholder and for failure to so arrange said house he shall be fined five dollars for each offense and.

Said amendment was disagreed to.

Mr. Scott offered the following amendment to said bill by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That when a responsible person of any subdistrict may

apply to any subdistrict trustee for the use of a schoolhouse, to be used when the school is not in session, during school hours or vacation, by any lawful assembly or educational, religious, argicultural, political, civic or social bodies, organizations or gatherings, and if said subdistrict trustee refuse the use of same, then the said trustee shall state his cause for refusal in writing and if a demand, signed by five freeholders of said subdistrict be presented to said subdistrict trustee, then he shall deliver or cause to be delivered, the keys of said schoolhouse, to such freeholders, who shall be responsible for the use and care of said school property and of avoidable damages and the return of the key to the teachers of said district, if school be in term session, or to the subdistrict trustee during vacation.

All laws in conflict with the provisions of this act are hereby repealed.

Said substitute amendment was adopted.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George Baker	A. V. Bertram
Robert H. Akin	J. M. Bean	Thos. M. Bertram
Eugene G. Asher	Eli Berry	E. Bishop

H. C. Blades	A. B. Holland	William A. Perry
John F. Brewer	John W. Holland	W. V. Perry
Hiram Brown	R. Dillard Hunter	Marion F. Pogue
Wallace Brown	W. J. Jackson	John A. Polin
Wm. L. Bowling	Green R. Keller	Stanley F. Reed
C. W. Burton	John G. Kelley	S. H. Rogers
George P. Chinn	W. E. King	Robt. H. Scott
Henry Chunn	William J. Kuh	W. A. Shawler
Elkanah Dickey	James A. Leach	Walter S. Sinclair
Francis B. Douglas	J. Albert Leach	W. Scott Smith
G. L. Drury	F. A. Lochry	Adam Spahn
Ben F. Egleston	B. J. Matthews	A. H. Stamper
J. H. Elder	S. F. Middleton	C. B. Thompson
Eli Farmer	R. C. McClure	E. B. Thompson
Allie T. Gaines	C. B. Nichols	D. B. Thurman
D. Clarence Gray	Ben E. Niles	E. B. Wiley
T. J. Gregory	L. B. Owen	David W. Wiley
Joe Hall	Luther C. Owings	J. H. Williams
V. D. Hammond	A. W. Palmer	
A. B. Hatton	W. F. Parker	—67

Resolved that the title thereof be as aforesaid.

Mr. Scott moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 200. An act to amend an act entitled an act concerning courts having continuous sessions and two judges, approved March 2, 1906.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act concerning courts having continuous sessions and two judges," approved March 2, 1906, be amended by adding to section ten of said act the following:

"All civil actions brought or pending at such county seats, shall not be drawn and assigned to the divisions of the court, as provided by sections three, four and seven of this act, but both divisions of the court shall have jurisdiction of all actions, and all such actions shall be placed upon a docket common to both divisions of the court, and both divisions of the court shall entertain all motions and proceedings and render judgments in all such actions at the respective sessions of the divisions of said court at such county seats," so that said section ten when amended will read as follows:

"Section 10. In counties having a population of less than one hundred and fifty thousand, and which constitute separate Circuit Court districts, and in which there is a city of the second class, not the county seat of the county, wherein circuit courts having continuous sessions are authorized to hold sessions of the court, and in which the Circuit Court has two judges, all sessions of the court held at the county seat of the county at which the grand juries are required by law or rule of court to be summoned, shall be presided over by the judge of the Criminal, Common Law and Equity Division of said court. All other sessions of the court, held at the county seat of the county, shall be presided over by the judge of the Common Law and Equity Division of said court. All civil actions brought or pending at such county seats, shall not be drawn and assigned to the divisions of the court, as provided by sections three, four and seven of this act, but both divisions of the court shall have jurisdictions of all such actions, and all such actions shall be placed upon a docket common to both divisions of

the court and both divisions of the court shall entertain all motions and proceedings and render judgments in all such actions as the respective sessions of the divisions of said court at such county seats.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	J. Albert Leach
Robert H. Akin	Ben F. Egleston	F. A. Lochry
Eugene G. Asher	J. H. Elder	B. J. Matthews
George Baker	Eli Farmer	S. F. Middleton
J. M. Bean	D. Clarence Gray	R. C. McClure
Eli Berry	T. J. Gregory	C. B. Nichols
A. V. Bertram	Joe Hall	Ben E. Niles
Thos. M. Bertram	Elwood Hamilton	Luther C. Owings
E. Bishop	A. B. Hatton	A. W. Palmer
H. C. Blades	L. B. Herrington	W. F. Parker
John F. Brewer	A. B. Holland	William A. Perry
Hiram Brown	John W. Holland	W. V. Perry
Wallace Brown	R. Dillard Hunter	John A. Polin
Wm. L. Bowling	W. J. Jackson	Stanley F. Reed
C. W. Burton	Green R. Keller	S. H. Rogers
George P. Chinn	John G. Kelley	Robt. H. Scott
Henry Chunn	W. E. King	W. A. Shawler
Elkanah Dickey	William J. Kuh	Walter S. Sinclair
Francis B. Douglas	James A. Leach	W. Scott Smith

Adam Spahn	E. B. Thompson	David W. Wiley
A. H. Stamper	D. B. Thurman	J. H. Williams
C. B. Thompson	E. B. Wiley	B. S. Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Akin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 131. An act to define the duties of the County Surveyor in counties containing more than two hundred thousand population and to provide compensation for them.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

§ 1. That in all counties of this Commonwealth containing a population of over 200,000, that all work in the surveying and civil engineering profession under the control and jurisdiction of the several courts in such counties, including the Fiscal Court, or Board of Commissioners, such as the surveying, locating, and superintending the construction of roads, bridges, canals, levees and ditches that are builded by taxation, and drawing plans and specifications of all public road, bridge, canal, levee and ditch work belongs to the office of County Surveyor.

§ 2. That compensation for the County Surveyor for the work named in Section 1 of this act shall be as follows:

He shall be paid a sum equal to five per cent of the total cost of the public improvements named in Section 1 of this act, constructed during his term of office. Provided, however, that the County Surveyor shall not receive for any one year more than $5,000 or less than $3,000, exclusive of the salaries of assistants required by him.

The compensation or salary of the County Surveyor shall be allowed and appropriated by the Fiscal Court or Board of Commissioners to be paid out of the county levy.

§ 3. The County Surveyor may be allowed such assistants as may be necessary, to be appointed by the County Surveyor, with the consent of the Fiscal Court or Board of Commissioners.

§ 4. All laws or parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Eli Farmer	R. C. McClure
Robert H. Akin	Allie T. Gaines	C. B. Nichols
Eugene G. Asher	D. Clarence Gray	Ben E. Niles
George Baker	T. J. Gregory	Luther C. Owings
J. M. Bean	Joe Hall	A. W. Palmer
Eli Berry	Elwood Hamilton	W. F. Parker
A. V. Bertram	V. D. Hammond	William A. Perry
Thos. M. Bertram	L. B. Herrington	John A. Polin
E. Bishop	A. B. Holland	Stanley F. Reed
John F. Brewer	John W. Holland	Robt. H. Scott
Hiram Brown	W. J. Jackson	W. A. Shawler
Wallace Brown	Green R. Keller	Walter S. Sinclair
Wm. L. Bowling	W. E. King	W. Scott Smith
C. W. Burton	M. C. Kirk	Adam Spahn
George P. Chinn	William J. Kuh	C. B. Thompson
Elkanah Dickey	James A. Leach	D. B. Thurman
Francis B. Douglas	J. Albert Leach	David W. Wiley
G. L. Drury	F. A. Lochry	J. H. Williams
Ben F. Egleston	B. J. Matthews	
J. H. Elder	S. F. Middleton	—58

Resolved that the title thereof be as aforesaid.

Mr. W. A. Perry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 157. An act relating to the sale and distribution of the proceeds of land escheated to the Commonwealth.

Mr. Drury moved that said bill be recommitted to the Committee on Judiciary with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 26: An act to amend Section 4310, an act entitled Roads and Passways changing the punishment of Road Overseer.

Mr. J. W. Holland moved that said bill be recommitted to the Committee on Public Roads and Highways with leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 98. An act to amend Section 1846, Kentucky Statutes, Chapter 52, in reference to the publication of county expenditures.

Mr. Keller moved that said bill be recommitted to the Committee on Printing with leave to report at any time.

Said motion was agreed to.

The hour of 5 o'clock, p. m., having arrived,

The House adjourned until Monday, next, at 12 o'clock, m.

MONDAY, FEBRUARY 19, 1912.

The House was opened with prayer by the Rev. F. W. Eberhardt, of the First Baptist Church, of the city of Frankfort.

The reading of the Journal of the proceedings of Friday, last, was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Huntsman:

H. B. 512. An act to amend Section 2557, Kentucky Statutes, Carroll's Edition 1909.

To Committee on County Unit and Public Morals.

By Mr. Dickey:

H. B. 513. An act to provide for the regulation and supervision of investment companies and providing penalties for violation thereof.

Committee on Corporate Institutions.

By Mr. Wilson:

H. B. 514. An act to amend Section 4527, Kentucky Statutes.

To Committee on State University and Normal Schools.

By Mr. Tieman:

H. B. 515. An act to amend and re-enact Section 3606, Kentucky Statutes, providing for extending the boundaries of common school districts of cities of the first class.

To Committee on Cities of the Fourth Class.

By Mr. Stoll:

H. B. 516. An act to amend in part and repeal in part Chapter 15 of the Session Acts of 1910 and approved March 16, 1910, and entitled to an act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 517. An act to amend Section 1, Article 19, Chapter 22, Acts 1906, approved March 16, 1906, known also as Section 4281a, Kentucky Statutes.

To Committee on Charitable Institutions.

By Mr. Hamilton:

H. B. 518. An act amending an act entitled "An act relating to fees," being Section 3 of Chapter 33 of the Acts of 1894 and 1722 of Article 1, Chapter 47, of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By same:

H. B. 519. An act relating to "crimes and punishments," making the erection and maintaining of bill boards, display boards, unsightly houses or sheds within four hundred feet of the State Capitol grounds nuisance and providing a penalty.

To Committee on State Capitol.

By Mr. Niles:

H. B. 520. An act to regulate the granting of new trials in criminal and civil cases by the Court of Appeals.

To Committee on Codes of Practice.

By same:

H. B. 521. An act to amend Section 756 of the Civil Code of Practice in reference to errors authorizing reversals.

To Committee on Codes of Practice.

By same:

H. B. 522. An act to regulate pools, trusts and conspiracies and discriminations and to define same and prescribe penalties and the methods of inflicting the same.

To Committee on Corporate Institutions.

By Mr. Emanual Meyer:

H. B. 523. An act to prohibit the substitution of drugs and proprietary preparations and defining penalty therefor.

To Committee on Public Health.

By Mr. Smith:

H. B. 524. An act to amend an act to provide for holding circuit courts and the trial of cases therein when from any cause the judge shall fail to attend, or if in attendance, cannot properly preside.

To Committee on Circuit Courts.

By same:

H. B. 525. An act to amend and re-enact Section 3721, Kentucky Statutes, authorizing Notaries Public to act in any county of the State.

To Committee on Judiciary.

By same:

H. B. 526. An act in relation to public schools; teachers therein; examinations for certificates, and the eligibility of a teacher to hold the office of Superintendent of County Schools.

By Mr. Lochry:

H. B. 527. An act requiring the Auditor of Public Accounts to have the schedule and other blanks furnished by him to the County Assessors, so arranged, that the County Assessor can assess, list and report the property and polls

subject to taxation in the common graded school districts in his county and requiring the County Assessor to assess and list and show in their reports the property and polls subject to taxation in each of the common graded school districts in his county separately.

To Committee on Revenue and Taxation.

By Mr. W. A. Perry:

H. B. 528. An act to provide for the warehousing of cotton seed and its products.

To Committee on Public Warehouses and Granaries.

Mr. Forgy offered the following resolution, viz.:

Whereas, the gentleman from the city of Bowling Green will this day marry and whereas the gentleman from Shelby has announced his approaching marriage,

Therefore, be it resolved, That this House extend to each its heartiest congratulations and express the wish that peace and plenty and love may attend them and theirs all the days of their life—God bless them. May for them the sun ever shine, and the roses ever bloom, and the waters laugh, and the rarvest yield, and every blade and leaf, and all fauna and flora clap their hands with joy.

Said resolution was adopted.

Mr. A. B. Holland of the Committee on Enrollments reported that they had examined and found correctly enrolled a resolution of the following title, viz.:

S. Res. 15. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said resolution.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Berry of the Committee on Municipalities:

H. B. 307. An act concerning pensions for aged, infirm, disabled or retired teachers.

By same:

H. B. 385. An act to repeal an act providing for the creation, control and disposition of a fund to be used in pensioning under certain conditions, policemen, and the families of deceased policemen, in cities of the first class, approved March 3, 1904, and to provide for the appointment of trustees and the raising or creation, the management and disbursement of a fund to be employed in pensioning, under conditions provided, policemen and the families of deceased policemen in cities of the first class.

By same:

H. B. 386. An act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an act entitled "An act for the government of cities of the first class," approved July 1, 1893, for the betterment and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children, and dependent fathers and mothers.

With an amendment thereto.

By same:

H. B. 417. An act to promote physical education in schools of cities of the first and second class.

By same:

H. B. 462. An act to amend, extend and re-enact Section 2 of an act entitled an act to provide for holding circuit courts and the trial of cases therein.

By Mr. Berry of the Commitee on Public Utilities:

H. B. 294. An act providing for interchange and transmission of messages between telephone companies.

By Mr. Drury of the Committee on Redistricting—Congressional:

H. B. 400. An act to divide Kentucky into eleven congressional districts.

By Mr. Hamilton of the Committee on Suffrage and Elections:

S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for violation thereof.

By Mr. Nichols of the Committee on State University and Normal Schools:

H. B. 395. An act to amend and re-enact Section 1 of an act entitled "An act to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky (now the State University, Lexington, Kentucky), approved March 9, 1893, and being Section 15 of the 1903 edition of the Kentucky Statutes.

By same:

H. B. 258. An act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for Colored Persons.

Together with an amendment thereto by way of substitute therefor.

By same:

H. B. 464. An act for the benefit of the Western Kentucky State Normal School, Bowling Green, Kentucky, providing for part payment of its indebtedness incurred for the purchase of a new site, necessary buildings and furnishings, necessary equipment for the buildings.

By Mr. Chinn of the Committee on Mines and Mining:

H. B. 211. An act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done.

By Mr. Jackson of the Committee on Public Monuments and Historical Records.

H. B. 283. An act providing for the participation of the Commonwealth of Kentucky in Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in-Bay Island, Ohio, in the year 1913 in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's Northwestern compaign in the war of 1812, and the 100th anniversary of the battle of the Thames, in conjunction with the national government and the States of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Minnesota, Indiana and Louisiana, and making an appropriation therefor.

By Mr. Niles of the Committee on County Unit and Public Morals.

H. B. 20. An act to prevent drunkenness.

By Mr. Hunter of the Committee on Claims:

H. B. 398. An act to amend, revise and re-enact paragraph five of Subsection 13 of Section 2095a, Chapter 65a of Kentucky Statutes (Carroll's Edition, 1909).

By Mr. Yancy of the Committee on Confederate Home:

S. B. 19. An act granting pensions to disabled and indigent confederate soldiers.

By same:

H. B. 454. An act to amend an act entitled "An act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof," approved March 27, 1902, March 26, 1904, March 21, 1906, and March 19, 1910.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 77. An act to regulate lobbying, and the conduct of legislative counsel and agents in Kentucky.

Together with an amendment the veto by way of substitute therefor.

By same:

H. B. 451. An act for the benefit of A. D. Cole, Esq., Maysville, Kentucky.

By same:

H. B. 410. An act to provide an adequate penalty for the offense of stealing and taking away any growing crops and making same a felony.

By Mr. Herrington of the Committee on Judiciary:

H. B. 407. An act to authorize remitters from judgments and to regulate the effect thereof.

By same:

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be effected..

By same:

S. B. 2. An act to amend Section 4020 of the Kentucky Statutes, Carroll's Edition, 1909.

By Mr. Williams of the Committee on Railroads:

H. B. 4. An act to regulate and control the giving or tender of free tickets, free passes, or reduced transportation to certain persons.

With an amendment thereto by way of substitute therefor.

By Mr. Knight of the Committee on Military Affairs:

H. B. 405. An act to provide for the organization, armament, equipment, discipline and government of the militia, and amending Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, being an act of March 13, 1893, entitled "An act concerning the militia of the Commonwealth of Kentucky," and amendatory acts thereto.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass, viz.:

By Mr. Herrington of the Committee on Judiciary:

H. B. 270. An act to provide for the licensing of architects and regulating the practice of architects as a profession and appointment of a State Board of Examiners of Architects.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 345. An act prohibiting the unlawful issuing, selling, exchanging, using or giving away of any transfer ticket or written or printed instrument giving or purporting to give the right of transfer of any street car or other public conveyance and prescribing a penalty therefor.

The question being taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 83. An act to repeal Chapter 10 of the Session Acts of 1906, relating to tax on dogs.

H. B. 128. An act to amend Section 68a, Kentucky Statutes (Carroll's Edition, 1909), relating to taxation of dogs.

H. B. 241. An act to repeal Section 68 of the Kentucky Statutes relating to the dog law.

H. B. 374. An act to regulate the sale and distribution

of gas, heat, light, water, ice, coal and other commodities, and providing a penalty for violation of same.

H. B. 453. An act to prohibit the use of the name or brand of a manufacturer on labels without authority.

H. B. 162. An act to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to assign the cities and towns of this Commonwealth to the class to which they belong, approved the —— day of ——, 1910.

H. B. 122. An act to repeal the charter of the town of Grand Rivers in Livingston county.

H. B. 408. An act to amend an act entitled "An act to regulate the holding of circuit courts in counties in which there are towns over seventeen miles from the county seat, and having a larger population than the county seat," which act was approved February 29, 1904.

H. B. 46. An act making it unlawful to obtain, with fraudulent intent, money or other property, or to obtain credit with like intent by means of a check, draft or order, and defining penalty therefor.

H. B. 473. An act to amend Section 217 and subsection 8 of 217a, of article 1, and Section 272 of Article 3, Chapter 16, Kentucky Statutes, Carroll's 1909 edition, said Chapter being entitled Charitable Institutions.

H. B. 310. An act relating to the qualifications of superintendents of common schools.

H. B. 420. An act to amend and re-enact Section 1899, Carroll's 1909 edition Kentucky Statutes, relating to the un-

lawful catching of fish, in the streams, lakes and ponds of this State forming the boundary line thereof.

H. B. 440. An act to repeal and re-enact Section 656 of the Kentucky Statutes so as to prevent rebates, discriminations, estimates and misrepresentations in life insurance.

H. B. 146. An act to amend an act entitled an act to promote the sheep industry and provide a tax on dogs.

H. B. 84. An act to amend and re-enact Section 68a, Kentucky Statutes, Carroll's 1909 edition, relating to dogs and the promotion of the sheep industry.

H. B. 29. An act to repeal an act entitled An act to promote the sheep industry and provide a tax on dogs.

H. B. 106. An act to amend an act entitled An act to promote the sheep industry and provide a tax on dogs.

H. B. 12. An act to amend and re-enact Section 68a, subsection 4, Carroll's compilation, Kentucky Statutes, 1909 edition.

H. B. 510. An act to provide for consolidation of subdistricts and transportation of pupils.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Akin moved that the rules be suspended that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 106. An act to amend an act entitled An act to promote the sheep industry and provide a tax on dogs.

And that said bill be made the Special Order of the Day for Friday, next, the 23rd instant, at 11:30 a. m.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 155. An act to make camping upon a Public Highway a nuisance and punishable as a misdemeanor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any party consisting of two or more persons whose general occupation is that called "campers" or "gypsies," either who shall use the highway for the purpose of pitching their camps thereon and using the same as a camp site, shall be chargeable with maintaining a public nuisance and said act shall be held to be a public nuisance constituting a misdemeanor, punishable as such with a fine of from $10 to $50 or imprisonment for ten days; either or both in the discretion of the jury.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third read-

ing of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
George Baker
Eli Berry
Thos. M. Bertram
E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
George P. Chinn
Henry Chunn
Sidney G. Clay
Sidney J. Collins
Elkanah Dickey
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
V. D. Hammond
A. B. Holland
John W. Holland
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
Charles H. Knight
James A. Leach
James A. Leach
F. A. Lochry
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
Marion F. Pogue
Stanley F. Reed
S. H. Rogers
Robt. H. Scott
W. H. Shanks
Walter S. Sinclair
W. Scott Smith
Adam Spahn
John G. Stoll
D. B. Thurman
E. B. Wiley
J. H. Williams
Charles Yancy

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Those who voted in the negative were—

Yeaman Watkins —1

Resolved that the title thereof be as aforesaid.

Mr. Clay moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 167. An act to protect and regulate the catching of mussel shells in the Ohio river and its Kentucky tributaries.

Said bill reads as follows, viz.:

Whereas, The mussel shell beds in the Ohio River and its Kentucky tributaries are in danger of being destroyed, under the present system of catching shells, and

Whereas, The mussel shell industry can be made a profitable one to those engaged in it, a source of revenue to the Commonwealth, and the mussel beds be preserved, under proper protection to the beds and proper regulation in the catching of the shells, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to catch mussel shells in the Ohio River, or any of its Kentucky tributaries, within the confines of this Commonwealth, except as hereinafter provided.

§ 2. The Auditor of Public Accounts shall have authority to grant license to such person or persons as will, in his judgment, best protect the mussel beds and the shell industry, under the regulations hereinafter set out, for the

exclusive privilege of catching mussel shells in said rivers, in such territory as the license may cover. After any license in granted, and the bond provided for herein approved, said license shall not be transferable.

§ 3. Licenses shall cover such periods, not to exceed twenty years, as the Auditor in his judgment may deem best for the protection of the industry. The Auditor shall have authority to renew, or extend any license, upon the conditions set out in this Act. Any license may cover such a portion of said rivers as in the judgment of the Auditor will best protect the industry and the interests of the Commonwealth. Each holder of a license shall be required to execute bond with approved surety, in such sum as the Auditor may require, to the Commonwealth of Kentucky for his faithful compliance with the provisions of this act.

§ 4. The license holder shall pay into the State Treasury, in the manner hereinafter provided, one dollar for each ton of marketable shells caught from the beds of said rivers in the territory covered by his license. If for any reason the license holder shall not work the territory covered by his license during any year, thereby depriving the State of royalty from same, he shall pay into the State Treasury a penalty of one hundred dollars, or forfeit his license.

§ 5. The license holder shall make a sworn report, monthly, to the Auditor, setting out in detail the various shipments of shell made during the month, and the number of tons of each, and the aggregate number of tons shipped during the month, and shall attach thereto a duplicate invoice of each shipment. The report shall contain such other facts as the Auditor may from time to time demand.

§ 6. The royalty of one dollar per ton shall be due the

Commonwealth monthly, and shall be paid into the State Treasury upon the demand of the Auditor, after he shall have examined and approved the report of the license holder.

§ 7. It shall be unlawful for any license holder, or his employes in catching shells to work more than four boats per mile on any shell bed, or to take from any bed more than sixty tons of shell per mile of the river's length, and proportionately for beds of less than a mile in length, in any one year. And it shall be unlawful to take shells from the river bed by dredging, or by use of tongs, or by use of any device or instrument other than what is known as a "shell hook;" Provided, That it shall be lawful to catch them with the hands. It shall likewise be unlawful to catch shell from the river bed where there is more than twenty feet of water on the nearest Government guage.

§ 8. In addition to the reports required to be made under Section 5 hereof, the license holder shall make, at the close of the shell catching season of each year, a general report to the Auditor, showing the length of each bed worked during the season and the number of tons of shell taken therefrom, and the location of said beds.

§ 9. For any violation of the provisions of this act, or of the contract obtained through his license, by the license holder, or by his agents or employes, he shall be liable on his bond, and such violation shall also be a misdemeanor, punishable by fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

§ 10. Any one other than the license holder or his employes catching shells, or fishing for same, on territory covered by license, shall be deemed a trespasser, and shall be

fined not less than twenty-five dollars nor more than fifty dollars for each offense, or imprisonment in the county jail for not less than thirty days nor more than sixty days or both so fined and imprisoned.

§ 11. Inasmuch as the Commonwealth is now deriving no revenue from the shell industry and the present method of catching the shells is rapidly destroying the shell beds, and for the further reason that protection should be afforded the industry by the opening of the shell catching season in the spring of 1912, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor.

Mr. Matthews offered the following amendment to said bill:

In Section 4, line 2, strike out the words "one dollar" and insert in lieu thereof "five dollars."

Said amendment was disagreed to.

Mr. Berry offered the following amendment to said bill by way of substitute therefor, viz.:

Amend by substituting the following:

§ 1. That it shall be unlawful for anyone to catch mussel shells in the Ohio River, or any of its Kentucky tributaries, within the confines of this Commonwealth, except as hereinafter provided.

§ 2. The County Court Clerks of the various counties touching said rivers shall have authority to grant licenses, to citizens of this Commonwealth only, for exclusive privilege of catching mussel shells in the portions of said rivers

lying within their respective counties, as hereinafter provided. No license shall cover a section of the rivers containing less than one fourth of a mile of shell beds nor more than three miles of shell beds; and no person shall hold more than one license at any one time. Said licenses shall cover sections of the river in each county as they may be laid off by the River Warden, hereinafter provided for, assisted by the County Clerk. The County Clerk shall keep a record of the sections and shall furnish a copy of same to the Auditor. No license shall be granted for a period longer than one year; provided, that all licenses shall expire on April 30th, of each year. Each person securing license shall pay to the County Clerk a fee of one dollar for issuing same. Blank forms for the license shall be furnished the County Clerks by the Auditor.

§ 3. Each license holder shall pay to the River Warden, to be turned into the State Treasury by said Warden one dollar for each ton of marketable shells caught in the territory covered by his license. It shall be the duty of each license holder to make a sworn report monthly to the River Warden, setting out in detail the number of tons of shell sold during the month covered by the report, and such other facts as may be required of him, and shall file with said report duplicate invoices of all shell sold during the month; and the royalty of one dollar per ton on each ton so sold shall be due the Commonwealth and payable to the River Warden when he shall have examined and approved said report.

§ 4. It shall be unlawful for any license holder, or his employes, in catching shells to work more than four boats per mile on any shell bed, or to take from any bed more than sixty tons of shells per mile of the river's length, and proportionately for beds of less than a mile in length, in any

one year. And it shall be unlawful to take shells from the river bed by dredging, or by use of tongs, or by use of any device or instrument other than what is known as a "shell hook;" Provided, That it shall be lawful to catch shells with the hands. It shall likewise be unlawful to catch shells from the river bed when there is more than twenty feet of water on the nearest Government gauge. It shall be lawful to take shells from said rivers only between the first day of May and the first day of November of each year.

§ 5. For the carrying out of the provisions of this act the office of River Warden is hereby created. Said River Warden shall be appointed by the Auditor of Public Accounts for a term of four years, and shall be subject to removal by the Auditor. In addition to the duties hereinbefore provided it shall be the duty of the River Warden to visit the various sections of said rivers when necessary, and to maintain a general supervision of the work of the various license holders. He shall make a sworn monthly report to the Auditor showing the general condition of the business, the amount of royalties received by him for the State during the month, and such other facts as the Auditor may require, and shall pay into the State Treasury the royalties so received.

§ 6. The River Warden shall receive a salary of eighteen hundred dollars ($1,800) per year, payable monthly upon the warrant of the Auditor; and shall also be paid his necessary traveling expenses incurred in the discharge of his duties. He shall file with the Auditor an itemized account of such expenses and shall make oath to the correctness thereof, before the same shall be allowed. The salary and expenses herein provided for shall be paid only out of the fund turned into the State Treasury under the provi-

sions of this act. The River Warden shall execute bond to the Commonwealth of Kentucky, to be approved by the Auditor, in the penal sum of five thousand dollars ($5,000) conditioned for the faithful performance of his duties under this act.

§ 7. For any violation of this act, or of the contract obtained through his license, by the license holder or his employes he shall be fined not less than twenty-five dollars ($25) nor more than fifty dollars ($50) and upon conviction shall forfeit his license. Any one other than the license holder or his employes catching shells, or fishing for same, on territory covered by license, shall be deemed a trespasser, and shall be fined not less then twenty-five dollars ($25) nor more than fifty dollars ($50) for each offense.

Said substitute was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eli Berry	J. H. Elder	John A. Polin
G. L. Drury	Ben E. Niles	Yeaman Watkins

E. B. Wiley David W. Wiley Charles Yancy
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Those who voted in the negative were—

William Ahl	D. Clarence Gray	A. W. Palmer
Eugene G. Asher	T. J. Gregory	W. F. Parker
George Baker	Joe Hall	William A. Perry
J. M. Bean	V. D. Hammond	W. A. Price
A. V. Bertram	A. B. Holland	Stanley F. Reed
Thos. M. Bertram	W. J. Jackson	S. H. Rogers
E. Bishop	W. E. King	H. A. Schoberth
H. C. Blades	M. C. Kirk	Robt. H. Scott
John F. Brewer	Charles H. Knight	W. H. Shanks
Hiram Brown	James A. Leach	Walter S. Sinclair
Wallace Brown	J. Albert Leach	W. Scott Smith
Wm. L. Bowling	F. A. Lochry	Adam Spahn
C. W. Burton	Emanuel Meyer	John G. Stoll
Henry Chunn	S. F. Middleton	E. B. Thompson
Elkanah Dickey	R. C. McClure	D. B. Thurman
Eli Farmer	C. B. Nichols	J. H. Williams

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And so said bill was rejected.

Mr. Hamilton moved that the House do now adjourn.

Said motion was agreed to and then the House adjourned.

TUESDAY, FEBRUARY 20, 1912.

The House was opened with prayer by the Rev. F. W. Eberhardt of the First Baptist Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Emanuel Meyer offered the following resolution, viz.:

Whereas, the Governor of the Commonwealth in his message to the General Assembly recommended a "more efficient and more practical common school system and educational institutions of the State, wisely and economically administered" and,

Whereas, from the revenues of the State there is annually paid for public school purposes in the City of Louisville over two hundred and fifty thousands of dollars, and whereas it is claimed and asserted that thirty odd persons, who had heretofore been teachers in the public schools of Louisville for many years, and against whom there had been no complaint where arbitrarily dropped from the roll of teachers, and,

Whereas, it is asserted and claimed that their places were filled by persons from various and sundry States, other than Kentucky, and,

Whereas, Kentucky is expending annually, large sums

of money in the Normal Schools to prepare the sons and daughters of Kentucky for the exhalted positions of teachers, and,

Whereas, there is an action now pending in the Court of Appeals of Kentucky, styled "The Montenegro-Reihm Music Company against the Board of Education of Louisville, in which it is claimed that said Board of Education is now paying more in rents annually for pianos for use in said schools than the purchase price of the same would amount to,

Therefore be it resolved by the House of Representatives of the State of Kentucky:

That a special committee of five members be appointed by the Speaker and that said Committee is hereby directed and instructed to investigate and report to this General Assembly the condition of the public schools in the City of Louisville, the manner in which said schools are being conducted; the disposition of the large sums of money received from the State of Kentucky and other sources for said public schools and the reasons for dropping so many teachers from the roll, and where their successors lived prior to their employment in the Public Schools of Louisville, and whether the teachers thus employed were required to stand an examination as to proficiency, and, in fact, to investigate and report the system of said Public Schools in Louisville, both financially and otherwise, and as to whether same is efficiently, practically and economically administered.

Said resolution was adopted.

Mr. Wallace Brown offered the following joint resolution, viz.:

Said resolution reads as follows, viz.:

Resolution requesting our Representatives and Senators in Congress to urge the adoption of a Joint Resolution pending in Congress to perfect and accomplish certain needed harbor and river improvements:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That we, in regular session assembled, do most respectfully ask of the Honorable Senators and Members of the United States Congress favorable consideration of the joint resolution and facts embraced therein presented to this Assembly, by Mr. S. A. Jones, National Harbor and Canal Commissioner of North Carolina, Tennessee and Florida and respectfully request their co-operation with the Honorable Senators and Members from this Commonwealth, to aid this great National movement and to secure the desired annual appropriation, extending over a period not exceeding five years, to perfect and accomplish certain worthy and needed harbor and other improvements, the Illinois Canal, a deep harbor and United States Navy coaling station at Southport, and the opening of the Florida Canal from the mouth of the St. John's river via Jacksonville, Fla., which will consist chiefly in dredging out deeper the St. John's river to its fountain head, with a short cut across to the Kissimee river, and the Great Lake Okeechobee, and the dredging out of the Caloohatchee river from there to the Gulf of Mexico at Puntarosa; which combined with the harbor at Southport will enable commerce from the Northwest, West, the great Middle Southwest and the center of American population,

and from the Tennessee coal fields to escape all the dangers of Cape Hatteras, the Bahama Banks, the Florida Straits, and the West India Islands, to serve the commerce of the Gulf, of the Panama Canal, the Atlantic Coast and the Pacific Coast, in the interest of the Nation-at-large.

Mr. Wallace Brown moved that the rules be suspended and that said resolution be taken up for consideration.

Said motion was agreed to and said resolution was adopted.

Mr. Drury moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

Together with amendments heretofore proposed to said bill by the Committee on Railroads.

Said motion was agreed to.

Mr. Williams moved that the House do now resolve itself into a Committee of the Whole House for the purpose of considering said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair having designated Mr. Wallace Brown as Chairman of the Committee of the Whole House.

After a time the Speaker resumed the Chair.

Mr. Wallace Brown of the Committee on the Whole House reported that said Committee had had under consideration said bill and the pending amendments thereto, had made some progress, and was directed by the Committee to ask leave to sit again at 11 o'clock on Friday next, the 23rd instant, which was granted.

Mr. Hamilton moved that the Orders of the Day be postponed until the Standing Committees are called.

Said motion was agreed to.

Mr. W. V. Perry moved that the House do now recess until 3 o'clock this afternoon.

Said motion was agreed to.

AFTERNOON SESSION.

At 3 o'clock the House reconvened.

Mr. Hamilton moved that the rules be suspended and that the Calendar be reported.

Said motion was agreed to.

Thereupon the House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 307. An act concerning pensions for aged, infirm, disabled or retired teachers.

H. B. 385. An act to repeal an act providing for the creation, control and disposition of a fund to be used in pensioning under certain conditions, policemen, and the families of deceased policemen, in cities of the first class, ap-

proved March 3, 1904, and to provide for the appointment of trustees and the raising or creation, the management and disbursement of a fund to be employed in pensioning, under conditions provided, policemen and the families of deceased policemen in cities of the first class.

H. B. 386. An act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an act entitled "An act for the government of cities of the first class," approved July 1, 1893, for the better government and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children, and dependent fathers and mothers.

With an amendment thereto.

H. B. 417. An act to promote physical education in schools of cities of the first and second class.

H. B. 462. An act to amend, extend and re-enact Section 2 of an act entitled an act to provide for holding circuit courts and the trial of cases therein.

H. B. 294. An act providing for interchange and transmission of messages between telephone companies.

H. B. 400. An act to divide Kentucky into eleven congressional districts.

S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for violation thereof.

H. B. 395. An act to amend and re-enact Section 1 of an act entitled "An act to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky (now the State University, Lexington, Kentucky), approved March 9, 1893, and being Section 15 of the 1903 edition of the Kentucky Statutes.

H. B. 258. An act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for colored persons.

Together with an amendment thereto by way of substitute therefor.

H. B. 464. An act for the benefit of the Western Kentucky State Normal School, Bowling Green, Kentucky, providing for part payment of its indebtedness incurred for the purchase of a new site, necessary buildings and furnishings, necessary equipment for the buildings.

H. B. 211. An act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done.

H. B. 283. An act providing for the participation of the Commonwealth of Kentucky in Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in-Bay Island, Ohio, in the year 1913 in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's Northwestern campaign in the war of 1812, and the 100th anniversary of the battle of the Thames, in conjunction with the national government and the States of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Minnesota, Indiana and Louisiana, and making an appropriation therefor.

H. B. 20. An act to prevent drunkenness.

H. B. 398. An act to amend, revise and re-enact paragraph five of Subsection 13 of Section 2095a, Chapter 65a of Kentucky Statutes (Carroll's Edition, 1909).

S. B. 19. An act granting pensions to disabled and indigent Confederate soldiers.

H. B. 454. An act to amend an act entitled "An act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof," approved March 27, 1902, March 26, 1904, March 21, 1906 and March 19, 1910.

H. B. 77. An act to regulate lobbying and the conduct of legislative counsel and agents in Kentucky.

Together with an amendment by way of substitute therefor.

H. B. 451. An act for the benefit of A. D. Cole, Esq., Maysville, Kentucky.

H. B. 410. An act to provide an adequate penalty for the offense of stealing and taking away growing crops and making same a felony.

H. B. 407. An act to authorize remitters from judgments and to regulate the effect thereof.

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be effected.

S. B. 2. An act to amend Section 4020 of the Kentucky Statutes, Carroll's Edition, 1909.

H. B. 4. An act to regulate and control the giving or

tender of free tickets, free passes or reduced transportation for freight or passengers by railroad or other transportation companies.

H. B. 405. An act to provide for the organization, armament, equipment, discipline and government of the militia, and amending Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, being an act of March 13, 1893, entitled an act concerning the militia of the Commonwealth of Kentucky and amendatory acts thereto.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day, excepting the last named bill (H. B. 405), which was ordered to be recommitted to the Committee on Military Affairs with leave to report at any time and the substitute amendment as proposed thereto by said committee was ordered to be printed.

By unanimous consent the rules were suspended and the committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Dickey of the Committee on Appropriations:

H. B. 456. An act to provide for the appointment of a Commissioner to the Panama Pacific Exposition at San Francisco, Cal., and to make an appropriation therefor.

By same:

H. B. 455. An act to make appropriation for securing the birth place of Jefferson Davis and erecting thereon a suitable memorial to his memory.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 52. An act permitting Charles Carroll to sue the State for a fee not exceeding $500 for legal services performed.

By same:

H. B. 418. An act to amend and re-enact Section 1930 of the Kentucky Statutes concerning fugitives from justice, passed August 3, 1892.

By same:

H. H. 463. An act providing for the payment of premiums on bonds executed by certain State officers.

By same:

H. B. 419. An act creating the Kentucky State Board of Accountancy.

By Mr. Berry of the Committee on Municipalities:

H. B. 460. An act to further amend and re-enact Section 3096 of the Kentucky Statutes relating to cities of the second class.

By same:

H. B. 445. An act concerning annuities for aged, in-

firm, disabled, diseased or retired teachers in cities of the first class providing for payment of such annuities out of a fund to which teachers shall contribute; providing for a board of trustees for the management and distribution of such fund and prescribing regulations relative to the mode of obtaining, preserving, using and disbursing such fund and providing that the treasurer of the board of trustees shall be treasurer thereof.

By Mr. Williams of the Committee on Railroads:

H. B. 182. An act concerning railroad locomotives and headlights for them.

By Mr. Polin of the Committee on Kentucky Statutes:

H. B. 335. An act to amend and re-enact Sections 3618 and 3619 of Chapter 89, Carroll's Edition, 1909, of Kentucky Statutes, relating to the election of marshals in cities of the fifth class.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Williams of the Committee on Railroads:

H. B. 127. An act to regulate charges of common carriers of passengers for hire.

By same:

H. B. 116. An act concerning railroads, regulating the

operation of trains, providing for the number of employes on the same and providing penalties for a violation of same.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 397. An act to amend an act entitled "An act to amend Article 4, Section 186d of Chapter 11a, Kentucky Statutes, Carroll's Edition, 1909, entitled "An act relating to the bond of public officials and other bonds required by law," approved March 23, 1910.

The question being taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

A message was received from the Senate announcing that they had concurred in a resolution which originated in the House of the following title, viz.:

H. Res. 17. Resolution appropriating money to pay expenses of joint committee which visited the State Prison at Eddyville.

That they had adopted a resolution of the following title:

S. Res. 18. Resolution to provide assistance to Geo. A. Lewis, Superintendent of Public Printing.

Ordered that said resolution lie on the Clerk's desk.

That they had concurred in an amendment proposed by

the House of Representatives to a bill which originated in the Senate of the following title, viz.:

S. B. 21. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate and control the rates of premium thereon, and creating a State Insurance Board and defining the powers and duties of said board.

And that they had passed said bill as amended.

That they had passed bills of the following titles, viz.:

1. S. B. 3. An act to create and establish a department of Public Roads and a system of Public State Roads, and to provide for the maintenance thereof.

2. S. B. 225. An act for the benefit of the Kentucky School for the Deaf and the teachers and supervisors therein.

Ordered that said bills be printed and referred,

1. To Committee on Public Roads and Highways.

2. To Committee on State University and Normal Schools.

Mr. Knight moved that the rules be suspended and that a bill entitled,

H. B. 194. An act to provide uniform rules regulating the use and speed of all vehicles on the public highways of this State defining motor vehicles and other vehicles and providing for the registration of motor vehicles and pre-

scribing penalties and civil liabilities for the violation thereof.

Which was made a special order for one o'clock p. m. today, and which was displaced by recess of the House be now taken up for consideration.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the short title of this act shall be the "Vehicle Law." Whenever the term "motor vehicle" is used in this act, it shall be construed to include automobiles, locomobiles, motor bicycles, motor cycles, and all other vehicles propelled otherwise than by muscular power, except traction engines and road rollers, the cars of electric and steam railways, and other vehicles propelled exclusively by muscular pedal power. Whenever the term "other vehicles" is used in this act it shall be construed to include all vehicles not included in the term "motor vehicles" as herein defined, except traction engines and road rollers, the cars of electric and steam railways, and bicycles that are propelled exclusively by muscular pedal power.

REGISTRATION OF VEHICLES.

§ 2. Every owner of a motor vehicle operated in this State shall, except as otherwise provided herein, within ten days after he becomes the owner of such vehicle, file in the office of the Secretary of State an application by affidavit, properly sworn to, setting forth his name and address with

a brief description of the vehicle to be registered, including the name of the maker, factory number and style of vehicle, on a blank to be prepared and furnished by the Secretary of State for that purpose, and shall pay to the said Secretary of State a registration fee of five dollars for each motor vehicle owned by the person making such application. Said registration shall be made on the date the application is received and filed by the Secretary of State, and shall expire on the first Monday in July thereafter. Upon filing in the office of the Secretary of State of said application, the Secretary of State or his duly authorized agent shall, without further fee, assign to each motor vehicle, described in such application, a distinctive number and shall issue to the owner of such motor vehicle as is described in the application filed, a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket, and which shall contain the distinctive number so assigned such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, including the name of the manufacturer, factory number and style of the vehicle. Provided, that nothing in this act shall be construed to prevent cities of the first, second and third classes from levying and collecting license taxes from resident owners of motor vehicles for city purposes, by ordinances properly passed. Such distinctive number provided for above, so assigned to the owner of a motor vehicle, shall, as far as practicable, be re-assigned to such owner each succeeding year when his application for registration is filed and the registration fee paid as herein provided. The Secretary of State shall also issue to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form and not to exceed two inches in diameter, having stamped thereon the words "Registered Motor Vehicle, No. ——, Ky.," which, with the registration number inserted

thereon, thereafter at all times to be affixed to the motor vehicle to which such number has been assigned. Duplicate certificates of registration will be issued upon the payment of a fee of fifty cents, and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed. The Secretary of State shall cause the name of such owner with his address, registration number and date of filing the application, and description of such motor vehicle, to be entered in alphabetical order of the owner's name in a book to be kept for that purpose in the office of the Secretary of State, provided that this section shall not apply to manufacturers of or dealers in motor vehicles in this State, except as to motor vehicles kept by such manufacturers or dealers for private use or for public hire.

§ 3. General registration shall be had on the first Monday in July of each year, and registration during the year may be had until the day of general registration by paying proportionate fee for same.

TRANSFER OF REGISTRATION.

§ 4. The certificate of registration of motor vehicles provided for in this act shall be transferable. Such transfer shall be affected by filing in the office of the Secretary of State a statement containing the name and address of the transferee of such registration certificate, together with the number thereof, and said Secretary of State, shall upon the request of such owner in writing, issue for a fee of fifty cents a new certificate, bearing the new number, to whomsoever said owner shall designate in such notice by giving the name and address of the transferee, with a brief description of the motor vehicle to be registered, including the name of the

maker, factory number and style of vehicle. Such transfer may be made from one motor vehicle to another motor vehicle owned by the same person upon payment of a fee of fifty cents to the Secretary of State, and filing with the Secretary of State a written statement containing a description of the motor vehicle to be registered, similar as is required in the original application for registration of a motor vehicle. The Secretary of State shall within ten days after the registration of motor vehicles, furnish to the county clerk of every county of this Commonwealth a list of the names of such owners of motor vehicles, with the registration numbers and a description of such motor vehicle, of all motor vehicles registered in each respective county of the State and the county clerk of each county shall keep such lists on file in the office as public records.

REGISTERED NUMBERS TO BE ON VEHICLES.

§ 5. The owner of each vehicle shall have a number corresponding to the number of the certificate of registration, and registration seal, conspicuously displayed upon the front and back of every motor vehicle owned by him, whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, drives or other public highways of the State; such number to be separate Arabic numerals, not less than four inches in height and each stroke to be a width of not less than one-half inch, and also as part of that number, the letters "Ky." Such numbers shall be affixed on such motor vehicle not less than fifteen inches nor more than thirty-six inches from the ground, and shall at all times be kept clear and distinct, and free from grease, dust or other blurring matter. Such owner shall not be required or permitted to place any number or other marks of identification upon said motor vehicle.

LIGHTS.

§ 6. Every motor vehicle, whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State, shall carry during the period from sunset to sunrise, two lighted lamps, which lamps shall be on the front of the said motor vehicle, showing a white light visible at least two hundred feet in the direction towards which each motor vehicle is proceeding, and shall also exhibit and have one red light visible in the reverse direction, attached to the rear of such vehicle, and every other vehicle, whenever the same shall be used or driven upon the public streets, roads, turnpikes, parks, parkways, drives or other public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State, shall carry during the period from sunset to sunrise, one lighted lamp upon the front of the vehicle, showing a white light visible at least two hundred feet in the direction to which such vehicle is proceeding, and shall also have and exhibit one green light visible in the reverse direction, attached to the rear of such vehicle, which light shall be sufficiently strong to be visible two hundred feet in the rear of the vehicle.

NUMBER PLATE TO BE CHANGED ANNUALLY.

§ 7. The number plates provided for herein shall be of a distinctly different color each year, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon.

MANUFACTURERS AND DEALERS.

§ 8. Each manufacturer of and dealer in motor vehicles, doing business in this State, shall register one ve-

hicle for each class manufactured or dealt in by him, and pay one registration fee therefor, and if a number corresponding to the number of the registration seal issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it was issued, as provided in this section, while such vehicle is being operated by such manufacturer or dealer, or his agent or representative, upon the public highway, it shall be deemed a sufficient compliance with sections two and five of this act, until such vehicle shall be sold or let for hire; provided that electrically driven motors shall constitute one class, those propelled by steam power a class; and those propelled by gasoline explosive type engines a class; and provided further, that nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for his private use or hire.

USE FORBIDDEN WITHOUT REGISTRATION.

§ 9. No motor vehicle shall be used or operated upon any of the public highways of this State after this act shall take effect, unless the owner shall have complied in all respects with sections two, five and six of this act.

NON-RESIDENT OWNERS.

§ 10. The provisions of sections two, five and six of this act shall not apply to any motor vehicle owned by non-residents of this State, provided the owner thereof has complied with the law requiring the registration of motor vehicles in force in the city, State, territory or federal district of his residence, and provided, the registration numbers showing the initial or the abbreviation of the name of such city, State, territory or federal district shall be displayed on such vehicle, substantially as provided herein;

and provided that nothing in this section shall be construed as to exempt non-resident owners and drivers of motor vehicles from complying with this act in so far as they are required to carry lighted lamps upon such vehicles from sunset to sunrise.

BRAKES, HORNS, ETC.

§ 11. Every motor vehicle, while in use on the public highways in this State, shall be provided with good and sufficient brakes, also with suitable bell, horn or other signal device, and no part of the machinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant, upon any public highway in this State.

SPEED.

§ 12. No person shall drive a motor vehicle or other vehicle upon any public highway in this State at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb, or injure the property of any person. If the rate of speed of any motor vehicle or other vehicle, operated or driven upon any public highway in this State where the same passes through the closely built up portions of any incorporated city, town or village, exceeds ten miles per hour, or if the rate of speed of any motor vehicle or other vehicle operated or driven upon the public highway where the same passes through the residence portion of any incorporated city, town or village, exceeds fifteen miles per hour; or if the rate of speed of any motor vehicle or other vehicle operated or driven upon any public highway of this State outside of closely built up portions of any incorporated city, town or village, exceeds twenty miles an hour, such rate of speed shall be prima facie evidence that the person

operating or driving such vehicle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way or so as to endanger the life or limb or injure the property of any person. If the rate of speed of a motor vehicle or other vehicle, operated or driven on a public highway, in this State in going around a corner, curve or crossing a highway where the operator's view of the road traffic is obstructed, exceeds eight miles per hour, such vehicle is running at a rate of speed greater than is reasonable and is not having due regard to the traffic and use of the way, or so as to endanger the life or limb or injure the property of any person.

RIGHTS OF THE ROAD.

§ 13. Whenever a person operating a motor vehicle or other vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animal, or any motor vehicle or other vehicle, the person so operating such motor vehicle or other vehicle, shall reasonably turn the same to the right of the center of the highway, so as to pass without interference. Any such person operating any such motor vehicle shall, upon overtaking any such horse, draft animal, motor vehicle, or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or motor vehicle or other vehicle shall as soon as practicable, turn to the right so as to allow free passage to the left. Any such person so operating a motor vehicle or other vehicle shall at the intersection of the public highways, keep to the right of the intersection of the centers of such highways, when turning to the right, and pass to the right of such intersection when turning to the left. Whenever it shall appear that any horse ridden or driven by any person on any public street, road or highway, is about to become frightened by the approach of any motor vehicle, it shall be

the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until such horse or horses shall have passed, provided he is signaled to stop by the person riding or driving such horse. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight or embark, the operator or driver of every motor vehicle or other vehicle shall slow down and if it be necessary for the safety of the public he shall bring said vehicle to a full stop.

As to Speed Ordinances.

§ 14. Any rate of speed provided in this act shall not be diminished nor prohibited by any ordinance, rule or regulation of any municipality, municipal board, council, incorporated city, town or village, or any other authority. Provided, however, that local authorities having jurisdiction over the public parks shall not be considered as prohibited from adopting and enforcing such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated within such parks, provided that the rate of speed of such motor vehicles fixed by such ordinances, rules or regulations, shall not be lower than the rate fixed for other vehicles, and provided that the authorities shall by signs conspicuously placed, indicate the rate of speed permitted by such ordinance, rules or regulations, and no owner of any motor vehicle who has complied with the provisions of this act shall be required nor permitted to display on such motor vehicle any other number than the number of the seal issued to him by the Secretary of State, or excluded or prohibited from or limited in the free use of his motor vehicle, nor limited as to speed upon any public street, avenue, turnpike, driveway or other public place at any time when the use is or may hereafter be opened to the use of persons having or using any vehicle;

and provided, however, that nothing in this act shall be construed to apply to or include any speedway created, provided for or maintained by local authorities of any city, town or village, within the State; and provided, further, that local authorities may exclude motor vehicles from any cemetery or grounds used for the burial of the dead, and may by general ordinance exclude motor vehicles used solely for commercial purposes from any park or part of a park system where such law, rule or ordinance is applicable, equally and generally, to all other vehicles used for the same purpose, and provided, further, that nothing in this act shall be construed as affecting the power of municipal corporations to make and enforce ordinances, rules and regulations affecting motor vehicles which are used within their limits, for public hire.

COMPETENCY OF DRIVERS.

§ 15. Every automobile registered under this act shall at all times be operated with safety to the public by a competent, discreet and sober person, and when not dirven by the owner or a member of his family over eighteen years of age, shall be driven by a chauffeur licensed as herein provided.

CHAUFFEURS AND OPERATORS.

§ 16. Every person desiring a license to operate an automobile for compensation shall obtain such license from the Secretary of State and pay a fee of two dollars per annum therefor, such license to be issued upon an application showing the name, age, address and residence of the applicant, a statement of the experience the applicant has had in the operation of automobiles stating that the applicant is a capa-

ble, discreet and sober person competent to operate an automobile. Thereupon a license shall be issued to such applicant containing a brief description of the licensee, his name, address and residence and the distinctive number assigned to him, and he shall also deliver to him a badge containing the words "Licensed Chauffeur," with the number assigned to him, which badge shall be worn by the applicant in a conspicious place, and shall not be transferable by him, and he shall not permit anyone to use said badge but himself. Provided, however, that automobiles or motor vehicles owned by non-residents of this State and driven by a person residing and licensed in some other State, may operate on the roads and highways of this State without complying with the provisions of this section. Nothing herein contained shall prohibit the owners of automobiles from conducting the same. The Secretary of State shall keep a record of all licenses granted open for inspection at all times. A license issued to a person to act as chauffeur shall be good only for one year.

As to Damages in Civil Action.

§ 17. Nothing in this act shall be construed so as to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property, resulting from the negligent use of motor vehicles or other vehicles upon the public highways of this State. Provided, that whenever a collision shall occur between two motor vehicles, or between two other vehicles, or between a motor vehicle and another vehicle, as described in this act, upon any public street, road, turnpike, park, parkway, drive or other public highway in this State, and persons or property are injured as a result of such collision, and the owner of such motor vehicle or other vehicle has failed to comply with any of the provisions of this act, such failure shall be

prima facie evidence of negligence on the part of such owner violating such section, and such negligence of such owner shall be imputed to every adult occupant of such vehicle in any action by such occupant against the owner or operator of the motor vehicle or other vehicle colliding with such vehicle, in which such occupants were riding, and shall be prima facie evidence of such negligence in any civil or criminal proceeding in behalf of the person, who himself complying with the provisions of this act, receives injury or damage or does injury or damage in such collision.

PUNISHMENT FOR OPERATING MOTOR VEHICLE WHILE INTOXICATED.

§ 18. Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor and upon conviction shall be subject to a penalty of not less than fifty dollars nor more than five hundred dollars in the discretion of the court or jury trying the case.

Subsection 1. Any person operating a motor vehicle who, knowing that injury has been caused to a person or property due to the culpability of said operator or to accident, leaves the place of said injury or accident without stopping and giving his name, residence, and operator's license number to the injured party, or to a police officer, or in case no police officer is in the vicinity of the place of said injury or accident, then reporting the same to the nearest police station, shall be guilty of a misdemeanor and shall be subject to a penalty of not less than fifty nor more than two hundred dollars, or imprisonment in the county jail for not less than sixty days nor more than two years, or both such fine and imprisonment in the discretion of the court or jury trying the case.

UNAUTHORIZED USE OF VEHICLES.

§ 19. Any chauffeur or other person who, without the consent of the owner, shall take, use, operate or remove or cause to be taken, used, operated, or removed from garage, stable, or other building, or from any place or locality on a private or public highway, park, parkway, street, lot, enclosure, or space, an automobile or motor vehicle and operate or drive or cause the same to be operated or driven, for his own property, use or purpose, shall be guilty of larceny and punished by confinement in the penitentiary of not less than one year or more than five years.

TAMPERING WITH VEHICLE, HURLING MISSILES, INTERFERING WITH EQUIPMENT.

§ 20. No person shall, without the authority of the owner or person in charge of an automobile, climb upon or into any automobile, whether the same is in motion or at rest, or hurl stones or other missiles at the same, or at the occupants thereof, or while such motor vehicle is at rest and unattended, sound any horn or other signal device or attempt to manipulate any of the levers, starting crank, brakes, or machinery thereof, or set said vehicle in motion or take anything from such motor vehicle, or in any wise damage, tamper or interfere with the same, and for a violation of this section, the person offending shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars, or imprisonment not less than one month nor more than six months, or both such fine and imprisonment in the discretion of the court or jury trying the case.

UNNECESSARY NOISES UNLAWFUL.

§ 21. Every motor vehicle operated upon the public

roads or highways of this State or of any incorporated city or town thereof, shall be equipped with a muffler or other suitable contrivance sufficient to prevent unnecessary noises in the operation of such motor vehicle, and it shall be unlawful to use a cutout or other device which shall tend to prevent the suppression of the noise of operating any motor vehicle upon the streets, parks, parkways or public highways of any incorporated city of town of this State. It shall also be unlawful to make any unnecessary noise in the use or operation of any motor vehicle upon the streets, parks, parkways or public highways of any incorporated city or town in this State.

FICTITIOUS NUMBERS, ETC.

§ 22. Anyone using a number upon any automobile, other than that issued by the Secretary of State, or who shall use the latter after the registation for same has expired, shall be deemed guilty of a misdemeanor and upon conviction, fined not less than fifty dollars and not more than five hundred dollars for each offense.

EXEMPTION OF FIRE AND POLICE AUTOMOBILES, ETC.

§ 23. The provisions of this act shall not apply to motor vehicles or other vehicles used by the governmental authorities of cities and towns of this State.

VIOLATION OF LAW.

§ 24. Any person violating any of the provisions of this act, for which there has been no other specific penalty fixed herein, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense.

DISPOSITION OF FINES AND PENALTIES.

§ 25. On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of any of the provisions of this act, under the sentence or judgment of any court, judge, magistrate, or other judicial officer, having jurisdiction of the same, shall be paid over by such court, judge, magistrate or other judicial officer, to the Secretary of State with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense and the fine and penalty imposed.

MONEYS APPROPRIATED FOR ROAD PURPOSES.

§ 26. All moneys received by the Secretary of State under this act, including registration fees, fees for the transfer of registration, license fees, and all fines and penalties, shall be appropriated and used for the maintenance and repair of the improved roads of the State, and shall be apportioned equitably for such purpose by the General Assembly to the various counties of the State, having due regard to the amount received under this act from each county, after the payment of necessary and reasonable costs and expenses incurred by the Secretary of State in carrying out the provisions of this act, and the Secretary of State shall pay over to the State Treasurer all moneys received by him for the purpose stated, annually.

REPEALING CLAUSE.

§ 27. An act defining motor vehicles, providing for the registration of same and uniform rules regulating the use and speed thereof, approved March 23, 1910, and all other

laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This act to take effect from and after its passage.

The amendments heretofore proposed by the Committee on Judiciary to said bill are as follows, viz.:

1. Amend section 5, page 5, line 1, by adding after word "vehicle," the following words, "except as hereinafter stated."

Also in line 12, of section 5, after "other blurring matter" insert "The owner of each motor cycle or motor bicycle shall only be required to have a number corresponding with the number of the certificate of registration and registration seal conspicuously displayed upon the rear of the motor cycle or motor bicycle and such numbers to be separate Arabic numerals not less than 2½ inches in height and each stroke to be a width of not less than one-fourth of an inch, and also as a part of that number the letters 'Ky.' "

2. Also page 5, section 6, line 1: After "Each motor vehicle" insert "except as hereinafter stated."

Also in line 8, section 6, after "vehicle" insert "motor cycles or motor bicycles shall only be required to show a white light visible at least two hundred feet in the direction which such cycle or motor cycle is proceeding, and shall also exhibit and have one green light visible in the reverse direction for a distance of two hundred feet attached to the rear of such vehicle."

3. Also section 6, page 5, line 8, strike out after the word "vehicle" the balance of the paragraph.

4. Also strike out the entire section No. 8, page 6, of the bill beginning with line 1 to 15 inclusive.

5. Also on page 11, section 16, line 15, after the word "himself" add the following paragraph:

It is further provided that in the event that any chauffeur shall be convicted for a violation of section 18, or three times for the violation of any other section or sections in this act, said chauffeur's license shall be thereby revoked and he shall not be again licensed in this State; And provided, further, that no chauffeur shall be granted a license in this State whose license has been revoked or refused in any other State.

6. Amend section 22, on page 14, entitled "Fictitious Numbers" by striking out on lines 4 and 5 the words "fined not less than $50 and not more than $500 for each offense" and inserting in lieu thereof "fined not less than $15 and not more than $50 for each offense."

7. Amend section 24, on page 14, entitled "Violations of law" by striking out in lines 2, 3 and 4 the following words: "Shall be punished by fine of not less than $20 nor more than $100 for each offense" and by inserting in lieu thereof "Shall be punished by fine of not less than $15 nor more than $50, or by confinement in the county jail for not less than five nor more than ten days, or both so fined and imprisoned in the discretion of the court or jury trying the case."

8. Amend section 25, on page 15, entitled "Disposition of fines and penalties," by adding thereto after the word "imposed" in line 9, the following; "Provided that nothing in this section shall prevent fines and penalties collected

by courts or judges in cities of the first, second or third class from being applied as now provided by law."

Said amendments were agreed to.

Mr. Knight offered the following amendment to said bill:

That Section 10, page 7, line 3, be amended by adding after the word State "and not used for carrying freight or merchandise or for hire," so that said section as amended shall read as follows:

§ 10. The provisions of sections 2, 5 and 6 of this act shall not apply to any motor vehicle owned by non-residents of this State, and not used for carrying merchandise, freight or for hire, provided the owner thereof has complied with the law requiring the registration of motor vehicles in force in the city, State, territory or federal district of his residence, and provided, the registration numbers showing the initial or the abbreviation of the name of such city, State, territory or federal district shall be displayed on such vehicle, substantially as provided herein, and provided that nothing in this section shall be construed as to exempt non-resident owners and drivers of motor vehicles from complying with this act in so far as they are required to carry lighted lamps upon such vehicles from sunset to sunrise.

That section 14, page 10, line 32, after the word "hire" be amended by adding "or used for carrying merchandise or freight," so that said section when amended shall read as follows:

§ 14. An rate of speed provided in this act shall not be diminished nor prohibited by any ordinance, rule or regula-

tion of any municipality, municipal board, council, incorporated city, town or village, or any other authority. Provided, however, that the local authorities having jurisdiction over the public parks shall not be considered as prohibited from adopting and enforcing such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated within such parks, provided that the rate of speed of such motor vehicles fixed by such ordinances, rules or regulations, shall not be lower than the rate fixed for other vehicles, and provided that the authorities shall by signs conspiciously placed, indicate the rate of speed permitted by such ordinances, rules and regulations, and no owner of any motor vehicle who has complied with the provisions of this act shall be required nor permitted to display on such motor vehicles any other number than the number of the seal issued to him by the Secretary of State, or exclude or prohibited from or limited in the free use of his motor vehicle, nor limited as to speed upon any public street, avenue, turnpike, driveway or other public place at any time when the use is or may hereafter be opened to the use of persons having or using any vehicle; and provided, however, that nothing in this act shall be construed to apply to or include any speedway created, provided for, or maintained by local authorities of any city, town or village, within the State; and provided further, that local authorities may exclude motor vehicles from any cemetary or grounds used for the burial of the dead, and may by general ordinance exclude motor vehicles used solely for commercial purposes from any park or part of a park system where such law, rule or ordinance is applicable, equally and generally, to all other vehicles used for the same purpose, and provided further, that nothing in this act shall be construed as affecting the power of municipal corporations to make and enforce ordinances, rules and regulations affecting motor vehicles which are

used within their limits, for public hire, or used for carrying freight or merchandise.

Said amendments were agreed to.

Mr. Farra offered the following amendment to said bill:

Amend by striking out all of that portion of line 9, after the word fee in section 2 down to tha word "said" in line 10, and substitute in lieu therefor the following:

"Of five ($5) dollars on all motor vehicles of a power less than 25 horse power, and ten ($10) dollars on all motor vehicles of a power equal to or greater than 25 horse power and less than 50 horse power, and $20 on all motor vehicles of a power equal to or greater than 50 horse power, per annum for each motor vehicle owned by the person making such application."

Said amendment was agreed to.

Mr. Forgy offered the following amendment to said bill:

Amend by striking out section 14.

Said amendment was agreed to.

Mr. W. V. Perry offered the following amendment to said bill:

Amend by adding in line 11, of section 13, of H. B. 194, after the words "to the left," "and shall slow down in passing so as to bring his machine under perfect control."

Said amendment was agreed to.

Mr. W. V. Perry offered the following amendments to said bill:

Amend section 17, of H. B. 194, by adding after the words "civil or criminal proceeding in behalf of the person" the following words: "and said owner so violating this act or upon failing to use proper care shall have the burden of proof of showing he is not guilty of negligence contributing to the injury complained of—but said burden of proof shall not be held to deprive the injured party of the conclusion of argument." Also amend line 11, of said section by adding after the words "provisions of this act" contained therein the further words "and has failed to exercise proper care."

Said amendment was agreed to.

Mr. Hamilton offered the following amendment to said bill:

Amend by striking out in lines 20 and 21 section 13, "provided he is signaled to stop by the person riding or driving such horse."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

Robert H. Akin
Eugene G. Asher
George Baker
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
George P. Chinn
Henry Chunn
Sidney G. Clay
Sidney J. Collins
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
A. B. Holland
John W. Holland
W. J. Jackson
Green R. Keller
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
C. B. Nichols
Ben E. Niles
L. B. Owen
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
Louis B. Tieman
Yeaman Watkins
David W. Wiley
J. H. Williams
Charles Yancy
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Resolved that the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 21, 1912.

The House was opened with prayer by the Rev. F. W. Eberhardt of the First Baptist Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. L. C. Owings presented the petition of sundry citizens of Jefferson County requesting the enactment of the Newcomb Automobile bill.

Which was received its reading dispensed with and referred to the Committee on Public Roads and Highways.

The following petitions were presented, viz.:

By Mr. Chunn:

1. Petition of sundry citizens of Calloway County protesting against the repeal of law prohibiting the shipment of intoxicating liquors into local option territory.

By Mr. E. B. Thompson:

2. Petition of sundry citizens of Rockcastle County asking for the repeal of the law which provides a tax on dogs.

Which were received the reading dispensed with and referred,

1. To Committee on County Unit and Public Morals.

2. To Committee on Agriculture.

Petitions of sundry citizens of the counties of Calloway, Trigg, Mason, Butler, Carlisle and Muhlenburg were presented by Messrs. Chunn, A. B. Holland, Reed, Gaines, L. B. Owen and Baker respectively protesting against the passage of any measure restricting or placing a higher license on those who sell medicines from wagons.

Said petitions were received, their reading dispensed with and referred to the Committee on Public Health.

Petitions were presented from the counties of Garrard, Grant, and the city of Louisville by Messrs. Farra, Burton and Knight, respectively, protesting against the passage of the Newcomb Automobile Bill.

Said petitions were received, their reading dispensed with and referred to the Committee on Public Roads and Highways.

Mr. Craig presented the petition of sundry citizens of Menifee County protesting against the passage of any measure placing a higher tax on those who sell medicines from wagons.

Which was received, its reading dispensed with and referred to the Committee on Public Health.

Mr. Keller offered the following resolution, viz.:

Be it resolved by the House of Representatives, That the Special Order of business for today is hereby adopted as follows:

At the conclusion of the consideration of the Special

Order of the day for 11 o'clock, viz.: Senate Bill 18, known as the County Unit Bill, the following bills shall be taken up in the order named, and considered until disposed of, viz.: S. B. 135, providing for an amendment of the Constitution as to the question of taxation. H. B. 56 and S. B. 1, known as the primary election law. S. B. 26, known as the Bank Examiners Bill, and H. B. 25, known as the corrupt practice act.

It is further ordered that in the event such bills are not disposed of today, this order shall continue from day to day and from hour to hour until disposed of.

Mr. Huntsman moved that said resolution be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Huntsman and Gaines were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	Eli Farmer	W. F. Parker
George Baker	John F. Fryer	Walter S. Sinclair
Thos. M. Bertram	Allie T. Gaines	W. Scott Smith
John F. Brewer	D. Clarence Gray	John G. Stoll
Wm. L. Bowling	Earl C. Huntsman	Henry Thomas
Sidney G. Clay	J. Albert Leach	E. B. Thompson
W. Frank Cole	B. J. Matthews	Yeaman Watkins
W. L. Craig	R. C. McClure	
Ben F. Egleston	W. N. McCubbin	—25

Those who voted in the negative were—

Robert H. Akin	E. Bishop	Wallace Brown
Eli Berry	H. C. Blades	C. W. Burton

George P. Chinn	R. Dillard Hunter	William A. Perry
Sidney J. Collins	W. J. Jackson	W. V. Perry
Elkanah Dickey	Green R. Keller	Marion F. Pogue
Francis B. Douglas	John G. Kelley	John A. Polin
G. L. Drury	W. E. King	Stanley F. Reed
J. H. Elder	William J. Kuh	S. H. Rogers
John M. Farra	James A. Leach	H. A. Schoberth
S. Walton Forgy	F. A. Lochry	Robt. H. Scott
T. J. Gregory	Hugh Mahin	W. H. Shanks
Joe Hall	Emanuel Meyer	A. H. Stamper
Elwood Hamilton	S. F. Middleton	C. B. Thompson
V. D. Hammond	C. B. Nichols	D. B. Thurman
A. B. Hatton	Ben E. Niles	Louis B. Tieman
L. B. Herrington	L. B. Owen	David W. Wiley
A. B. Holland	Luther C. Owings	B. S. Wilson
John W. Holland	A. W. Palmer	Charles Yancy
James R. Howell	J. R. Paxton	Edward L. Young

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The question being taken on the adoption of said resolution it was decided in the affirmative.

The Speaker laid before the House the following communication, viz.:

Naples-on-the Gulf, Lee County, Fla.,

Feb. 16, 1912.

Gentlemen:—

Your letter of the 9th inst., has just reached me. I am highly honored by the courtesy of the General Assembly, and wish it were possible for me to accept the invitation, of which you advise me, to address it. Domestic obligations, however, forbids this and I shall have to content myself with an expression of the most sincere and grateful acknowledgment, asking, as they say in Congress, "Leave to print,"

and observing that my single aim in public life has been to promote sound Domestic principles of Government and advance the greatness and glory of the Democracy of Kentucky, whose interests through forty years of storm and stress I have sought faithfully to serve, nor ever move earnestly and unselfishly than now, when, grown gray in the cause, I must presently lay down for ever the fiddle and the bow. Thanking you personally for the kind terms in which you convey the resolution of the General Assembly, I remain, gentlemen,

With great respect,

HENRY WATTERSON.

Messrs.
JNO. A. POLIN,
G. L. DRURY,
Etc., Etc., Etc.
} Committee.

Which was read and ordered to be spread upon the Journal.

Mr. J. W. Holland moved that when this House adjourn today it be to meet on Friday next, the 23rd instant, at 10 o'clock.

Said motion was agreed to.

Mr. Yancy moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

S. B. 19. An act granting pensions to disable and indigent Confederate soldiers.

And that the same be made the Special Order of the Day for Wednesday next at 12 o'clock, meridian.

Said motion was agreed to.

Mr. Huntsman moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 28. An act to repeal an act entitled an act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths, etc.

And that the same be made the Special Order of the Day for Friday at 12:30 o'clock, p. m.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the fillowing titles, viz.:

1. S. B. 322. An act to provide for the repair of the Old Capitol Square and the buildings thereon, and the use of same, and appropriating money therefor.

2. S. B. 191. An act for the participation of the Commonwealth of Kentucky in the Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in Bay Island, Ohio, in the year 1913, in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's Northwestern campaign in the War of 1812, and the 100th anniversary of the battle of the Thames, in conjunction with the national government and the States of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Minnesota, Indiana and Louisiana, and making an appropriation therefor.

3. S. B. 43. An act to amend Sections 1702, 1703 and

1705 of the Kentucky Statutes, those sections being portions of Subdivision 2 of Article 15 of Chapter 46 of the Kentucky Statutes, entitled "Homesteads."

Said bills were ordered printed and referred,

1. To Committee on State Capitol.

2. To Committee on Public Monuments and Historical Records.

3. To Committee on Judiciary.

The hour of 11:30 o'clock having arrived,

Mr. Hamilton moved that the House do now take up for consideration the Special Order of the Day which was set for the hour of 12 o'clock, meridian, to-wit: A bill entitled,

S. B. 18. An act to amend Chapter 21 of the Acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes," it being a portion of Article 1, Chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating."

And that same be placed upon its passage.

Said motion was agreed to.

Mr. Harry J. Meyers moved that the vote by which said bill was taken up for consideration and placed upon its passage be reconsidered.

Said motion was disagreed to.

Thereupon the House took up for consideration said Special Order.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. First—That Chapter 21, of the Acts of 1906, entitled, "An act to amend Section 2560, of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled, 'Liquors—Intoxicating,'" be amended, by striking from Subsection "a" the following words:

"Except that cities of the first, second, third and fourth classes may hold an election on the same day on which an election for the entire county is held," so that said act as amended shall read as follows:

That Section 2560, of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled, "Liquors, Intoxicating," be, and the same is hereby repealed and in lieu thereof it is hereby enacted:

"'a' No election in any town, city, district or precinct of a county shall be held, under this article on the same day on which an election for the entire county is held. When an election is held in an entire county and a majority of the legal votes cast at said election are against the sale, barter or loan of spirituous, vinous, malt or other intoxicating liquors, then it shall not be lawful to sell, barter or loan any such liquors in any portion of the county. If, at such an election for the entire county, the majority of the legal votes cast are in favor of the sale, barter or loan of any such liquors, such election shall not operate to make it legal to grant license to sell, barter or loan such liquors in any territorial division of such county from which the sale, barter or loan

has been excluded by an election held under this article, or by special act, but the status of such territorial division shall remain as if no such election had been held.

" 'b' No election shall be held in any election precinct under this act on the same day on which an election is held for the district or city of which the precinct is a part. If at an election held for such entire district or city, the majority of legal votes cast shall be in favor of the sale, barter or loan of spirituous, vinous, malt or other liquors, then the status in the several precincts thereof shall remain as it was before said election; but if the majority should be against the sale, then the sale, barter or loan of such liquors shall be unlawful in every portion of said district or city."

Mr. Clay moved that said bill be recommitted to the Committee on County Unit and Public Morals.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Clay and Knight were as follows, viz.:

Those who voted in the affirmative were—

George Baker	Allie T. Gaines	William A. Perry
Eli Berry	John W. Holland	W. A. Price
John F. Brewer	Earl C. Huntsman	Stanley F. Reed
Wm. L. Bowling	W. E. King	S. L. Robertson
C. W. Burton	Charles H. Knight	Adam Spahn
Sidney G. Clay	William J. Kuh	John G. Stoll
W. Frank Cole	J. Albert Leach	E. B. Thompson
W. L. Craig	Emanuel Meyer	Louis B. Tieman
John F. Fryer	Harry J. Meyers	Yeaman Watkins

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Those who voted in the negative were—

Robert H. Akin	Joe Hall	A. W. Palmer
Eugene G. Asher	Elwood Hamilton	J. R. Paxton
A. V. Bertram	V. D. Hammond	W. V. Perry
Thos. M. Bertram	L. B. Herrington	Marion F. Pogue
E. Bishop	A. B. Holland	John A. Polin
H. C. Blades	James R. Howell	S. H. Rogers
Wallace Brown	R. Dillard Hunter	H. A. Schoberth
George P. Chinn	W. J. Jackson	Robt. H. Scott
Henry Chunn	Green R. Keller	W. H. Shanks
Sidney J. Collins	John G. Kelley	Walter S. Sinclair
Elkanah Dickey	James A. Leach	W. Scott Smith
Francis B. Douglas	F. A. Lochry	A. H. Stamper
G. L. Drury	Hugh Mahin	Henry Thomas
Ben F. Egleston	S. F. Middleton	C. B. Thompson
J. H. Elder	R. C. McClure	D. B. Thurman
Eli Farmer	W. N. McCubbin	David W. Wiley
John M. Farra	C. B. Nichols	J. H. Williams
S. Walton Forgy	Ben E. Niles	B. S. Wilson
D. Clarence Gray	L. B. Owen	Charles Yancy
T. J. Gregory	Luther C. Owings	Edward L. Young

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Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	A. V. Bertram	H. C. Blades
Eugene G. Asher	Thos. M. Bertram	John F. Brewer
George Baker	E. Bishop	Wm. L. Bowling

C. W. Burton	R. Dillard Hunter	W. V. Perry
George P. Chinn	Earl C. Huntsman	Marion F. Pogue
Henry Chunn	W. J. Jackson	John A. Polin
Sidney J. Collins	Green R. Keller	Stanley F. Reed
Elkanah Dickey	John G. Kelley	H. A. Schoberth
Francis B. Douglas	James A. Leach	Robt. H. Scott
Ben F. Egleston	F. A. Lochry	W. H. Shanks
J. H. Elder	Hugh Mahin	Walter S. Sinclair
Eli Farmer	S. F. Middleton	W. Scott Smith
John M. Farra	R. C. McClure	A. H. Stamper
S. Walton Forgy	W. N. McCubbin	Henry Thomas
Allie T. Gaines	C. B. Nichols	D. B. Thurman
T. J. Gregory	Ben E. Niles	Yeaman Watkins
Elwood Hamilton	L. B. Owen	David W. Wiley
V. D. Hammond	Luther C. Owings	J. H. Williams
A. B. Hatton	Joe Hall	B. S. Wilson
L. B. Herrington	A. W. Palmer	Charles Yancy
A. B. Holland	W. F. Parker	Edward L. Young
James R. Howell	J. R. Paxton	Speaker Terrell

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Those who voted in the negative were—

Eli Berry	William J. Kuh	S. H. Rogers
Wallace Brown	J. Albert Leach	Adam Spahn
Sidney G. Clay	Emanuel Meyer	John G. Stoll
W. Frank Cole	Harry J. Meyers	C. B. Thompson
W. L. Craig	Charles D. McCrea	E. B. Thompson
John F. Fryer	William A. Perry	Louis B. Tieman
John W. Holland	W. A. Price	
Charles H. Knight	S. L. Robertson	

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The following pair was announced. Mr. Gray would vote "no," and Mr. Shawler would vote "yes."

Resolved that the title thereof be as aforesaid.

Mr. Niles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon under and by virtue of the resolution heretofore adopted on this day the House took up for consideration from the Orders of the Day a bill entitled,

S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each house, the yeas and nays being taken thereon and entered in full in their respective jonrnals, Section 171 of the Constitution be, and it is amended and revised, so that it shall read as follows:

The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only and shall be uniform upon all prporety of the same class subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

The General Assembly shall have power to divide property into classes and to determine what class or classes of property shall be subject to local taxation. Bonds of the

State and of counties, municipalities, taxing and school districts shall not be subject to taxation.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under Section 1459 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1909.

Mr. Perry offered the following amendment to said bill, viz.:

Amend by adding to Section 1 the following, viz.:

Any tax law passed by the General Assembly pursuant to the provisions of or under this Section of the Constitution shall not become a law until same shall have been submitted to the people of the Commonwealth of Kentucky and approved by a majority of the qualified voters thereof.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Hamilton and Niles were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Wm. L. Bowling	Elkanah Dickey
Eugene G. Asher	C. W. Burton	Francis B. Douglas
George Baker	George P. Chinn	G. L. Drury
Eli Berry	Henry Chunn	Ben F. Egleston
A. V. Bertram	Sidney G. Clay	J. H. Elder
Thos. M. Bertram	W. Frank Cole	Eli Farmer
John F. Brewer	Sidney J. Collins	John M. Farra
Wallace Brown	W. L. Craig	John F. Fryer

Allie T. Gaines	F. A. Lochry	S. H. Rogers
D. Clarence Gray	Hugh Mahin	H. A. Schoberth
T. J. Gregory	Emanuel Meyer	Robt. H. Scott
Joe Hall	S. F. Middleton	W. H. Shanks
Elwood Hamilton	R. C. McClure	W. A. Shawler
V. D. Hammond	W. N. McCubbin	Walter S. Sinclair
A. B. Hatton	C. B. Nichols	W. Scott Smith
L. B. Herrington	Ben E. Niles	Adam Spahn
John W. Holland	L. B. Owen	A. H. Stamper
Earl C. Huntsman	Luther C. Owings	John G. Stoll
W. J. Jackson	A. W. Palmer	Henry Thomas
Green R. Keller	J. R. Paxton	C. B. Thompson
John G. Kelley	William A. Perry	E. B. Thompson
W. E. King	W. V. Perry	D. B. Thurman
Charles H. Knight	Marion F. Pogue	David W. Wiley
William J. Kuh	John A. Polin	J. H. Williams
James A. Leach	W. A. Price	Charles Yancy
J. Albert Leach	Stanley F. Reed	Edward L. Young

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Those who voted in the negative were—

E. Bishop	B. J. Matthews	B. S. Wilson

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Ordered that said bill as amended be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

Resolved that the title thereof be as aforesaid.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin
Eugene G. Asher
George Baker
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Wallace Brown
George P. Chinn
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
John F. Fryer
Allie T. Gaines
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
Earl C. Huntsman
Green R. Keller
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
S. F. Middleton
R. C. McClure
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
David W. Wiley
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
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Those who voted in the negative were—

John F. Brewer
Wm. L. Bowling
C. W. Burton
Henry Chunn
Sidney G. Clay
W. L. Craig
Eli Farmer
D. Clarence Gray
T. J. Gregory
Joe Hall
W. J. Jackson
John G. Kelley
W. N. McCubbin
L. B. Owen
Walter S. Sinclair
W. Scott Smith
Yeaman Watkins
J. H. Williams
—18

Mr. Reed moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of 1:30 o'clock, p. m., having arrived, under the rule the House recessed until 3 o'clock, p. m.

AFTERNOON SESSION.

At 3 o'clock the House reconvened.

Under and by virtue of the resolution heretofore adopted on this day the House took up for consideration from the Orders of the Day a bill entitled,

S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballot to be voted for at general elections and prescribing penalties for violations thereof.

Together with the amendment heretofore proposed thereto by the Committee on Suffrage and Elections by way of substitute therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter all candidates for elective offices to be voted for at any general election shall be nominated:

1. By a primary election held in accordance with the provisions of this act, or

2. By nomination papers and certificates of nomina-

tion signed and filed as provided herein. The provisions of this act shall not apply to candidates for Trustees of School Boards or members of School Boards, nor Trustees in towns of the fifth and sixth classes, nor to candidates for Presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or as may be hereafter provided by law.

§ 2. Party candidates for the office of United States Senator shall be nominated in the manner provided herein for the nomination of other party candidates. Candidates for party nomination for United States Senator shall be voted for at the primary election held next before their election.

§ 3. On the first Monday in August of each year between the hours of 6 o'clock a. m., and 4 o'clock p. m., there shall be held at the regular polling places in each election precinct in this State a primary election for the nomination of candidates by political parties as hereinafter defined, to be voted for at the next November election. The provisions of this act shall apply to nominations to fill vacancies in all elective offices to be voted for at a regular November election, but shall not apply to vacancies in offices to be filled at special elections held at other times than the regular November elections. Nominations by political parties to fill vacancies at special elections to be held on days other than the regular November election shall be made in such manner as may be determined by the governing authority of such political party in the territory in which said election is to be held.

§ 4. A political party within the meaning of this act is an affiliation or organization of electors representing a political policy and having a constituted authority for its gov-

ernment and regulation, and which at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise: Provided, That when a vacancy occurs after any nomination by death or otherwise, the governing authority of such party may provide for filling such vacancies and making such nominations. And where such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making the same, and shall be filed in the same manner as certificates of nomination at a primary nominating election. Provided, however, That where a political party has before the passage and approval of this act made a nomination or nominations of candidates to be voted for at the November election in 1912, then no nominations by such parties for such officers shall be made in the primary election under this act in the year 1912. Provided further, That when petitions of nomination are filed as herein provided for, only one candidate of any political party for an office and said candidate has no opposition thirty days before the day of the election for the offices named in Subsec. 1 of Sec. 6 or twenty days for the offices named in Subsec. 2 of Sec. 6, the governing authority of such political party may declare such candidate the nominee of such party and its certificate shall have the same effect as if such person had been nominated at the primary election and had received the certificate hereinafter provided for and when this certificate is filed in the proper office his name shall not be certified or printed on the official ballot for the primary election.

§ 5. Any qualified elector who files his petition and the

nominating petition of electors as hereinafter provided, and is a member of a political party subject to the provisions of this act, shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary election held under the provisions of this act. Said petition shall state the name, age, postoffice address, political affiliations, and all other legal qualifications of the candidate, and shall be in substantially the following form:

"To ..... (address of the officers with whom the petition is to be filed) and to the members of the ..... party of..... (State, county, district, city or town, or as the case may be).

"I .....reside at ..... and my postoffice address is ..... (give State, county, postoffice, street and number or rural route). I am a member of the ..... political party and affiliated with it and supported its nominees at the last regular election, and I am ..... years of age and possess all the other legal qualifications necessary to entitle me to hold the office of ..... (here state the name of the office for which he desires to be voted), to-wit: ..... (here state all additional legal qualifications required for holding said office). If I am nominated for said office of... ..... at the primary election to be held on the first Monday in August next, I will accept the nomination and will not withdraw, and, if elected, I will qualify as such officer.

"Dated at ..... on this the ..... day of....., 19....."

The name of no candidate shall be printed upon an official ballot used at any primary election unless petitions by electors shall have been filed in behalf of such candidates as provided in this act. Said petitions for a candidate to be voted for by the State at large shall be signed by four hundred qualified electors. Such petitions for a candidate for Representative in Congress, for a Judge of the Court of Appeals, or for a Railroad Commissioner, shall be signed by two hundred qualified electors residing in the territory composing the division or district in which said candidate is to be voted for. Such petition for a candidate for the office of Circuit Judge, Commonwealth's Attorney, or State Senator, shall be signed by one hundred qualified electors residing in the division or district in which such candidate is to be voted for. Petitions for all county officers and for Representatives in the General Assembly shall be signed by fifty qualified electors residing in the county or territory in which the candidate is to be voted for; petitions for candidates in districts smaller than the county, and not embraced in the foregoing enumeration, shall be signed by twenty qualified electors residing in the territory or district in which such candidate is to be voted for. Said petitions shall be in substantially the following form:

"We, the undersigned qualified electors of the ..... precinct of the town or county of ..... or the precinct of the ..... ward of the city, or the ..... precinct of ..... and State of Kentucky, do hereby nominate ....., who resides at No. ..... on ..... Street, city of ....., (give the postoffice address with rural route) in county of ....., as a candidate for the office of .....to be voted for at the primary election to be held on the first Monday in August, 19...., as

representing the principles of the ..... party; and we further declare that we are members of said political party and that we intend to support the candidate named herein."

§ 6. All petitions for nomination under this act, together with the petition of electors for the nomination of candidates, as provided in the foregoing section, shall be filed as follows:

1. For offices where the certificates of nomination when made is required to be filed with the Secretary of State, said petitions shall be filed with the Secretary of State not less than thirty nor more than sixty days before the primary election.

2. For offices where the certificate of nomination when made is required to be filed with the County Court Clerk, said petitions shall be filed with the County Court Clerks of all the counties embraced in the territory composing the territory composing the district not less than twenty, nor more than sixty, days before the primary election.

§ 7. The Secretary of State and the County Court Clerks shall each keep a book entitled, "Register of Candidates for Nomination in the Primary Election," and shall enter therein on different pages of said book for the different political parties subject to the provisions of this law the title of office sought and name and residence of each candidate for nomination in the primary election, the name of his political party, and the date of receiving his petition. Said book shall be so kept that the names of all candidates of the same political party shall be on the same or successive pages and the names of candidates of no two political parties shall

appear on the same page. Said books as hereby declared to be public records.

§ 8. No person who is not a qualified elector shall be qualified to sign any petition for nomination of any candidate or to vote at said primary nominating election, and no person shall be qualified to sign any nominating petition of any other political party for the primary nominating election than that with which he affiliated at the last general election; and no person shall sign the petition of more than one candidate to be voted for the same office at any primary election.

§ 9. Not more than thirty, nor less than twenty days before the day fixed by the law for the primary nominating election the Secretary of State shall arrange in the manner provided by this law for the arrangement of the names and other information upon the ballots, all the names of the candidates for nomination contained in the ballot, petitions for whose nomination have been filed with him in accordance with the provisions of this law and he shall forthwith certify the same under seal of his office and file the same in his office and make and transmit by registered mail a duplicate thereof to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and where the candidate is to be voted for by a district smaller than the State, he shall transmit the name of such candidate to the County Court Clerk of each county in the district in which such candidate is to be voted for. And not more than twenty, nor less than fifteen days next before the day provided by law for holding the primary nominating election the County Court Clerk of each county shall arrange in the manner provided by this law the names of candidates, and other information required to be printed on the ballot, and he shall immediately certify same under seal of

his office and file the same in his office, and he shall forthwith cause to be printed according to law the official ballots and sample ballots for each political party as herein provided.

§ 10. All the official ballots designed to be voted in the primary nominating elections shall be printed in black ink upon a good quality of white ballot paper. The arrangement of each ballot shall be eaxctly the same for each political party, and the size and the printing shall be the same for each political party. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and they shall not be voted or counted.

§ 11. The ballot shall be styled, "Official Primary Nominating Ballot of ..... Political Party;" shall state the number or name of the precinct; county, and the date the election is held; shall contain the names of all candidates for nomination for offices to be filled at the election, whose petitions have been duly made and filed as herein provided but the name of the candidate shall be printed on the ballot in more than one place. The names of candidates for nomination to each office shall be arranged under the designation of the office, in alphabetical order according to surnames, and there shall be left at the end of the list of the candidates for nomination to each different office a blank space in which the elector may write the name of any person not printed on the ballot and for whom he desires to vote as a nominee for such office. Each ballot shall have along the top thereof a stub at least two inches wide, perforated along the lower edge thereof. Immediately below the perforated line shall be printed in capital letters these words: "Official Primary Nominating Ballot for the

..... party of .....
Precinct ..... County at the Primary Nominating Election to be Held on the .....
Day of August, 19..." Under this caption shall be printed in bold-face type the words "Mark a cross (X) in the square after the name of each candidate voted for." Below this shall be printed in the manner aforesaid, first the candidates for nomination for United States Senator; second, for Representatives in Congress; third, offices for the State at large; fourth, for district offices; fifth, for county offices; sixth, city or town offices; seventh, all other offices.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates for nomination by making with the stencil a cross in the square after the name of each candidate for whom he wishes to vote for nomination; and on the ballot may be printed such words as will aid the elector to do this, such as, "Vote for one," "vote for two," and the like, to inform the elector of the number of candidates for whom he is entitled to vote for each office, and at the bottom or outer end of each ballot shall be prepared a secondary stub, separated from the body of the ballot by a perforated line. Said secondary stub shall be in all respects as the like stub on the ballot used at the general elections, and shall be used in like manner and for the same purpose. The candidates of each political party shall have their names printed on a separate ballot; and separate ballot boxes shall be provided for each political party, and there shall be printed or painted on the top of each ballot box the name of the political party for which it is intended; the official ballot for each party shall be arranged and printed in substantially the form of the ballot used at the general election, but it may be printed in two or more columns and shall be ruled and lined and spaced so as to carry into effect the purposes of this act.

§ 12. There shall be provided and furnished at each primary nominating election and each election precinct fifty per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential election the County Court Clerk shall furnish such number of ballots in such precinct as may be requested by the chairman of the County Executive Committee, or authority, of each political party, not exceeding, however, three hundred ballots for each party for each such precinct.

§ 13. Any person desiring to vote shall give his name, his residence, and the name of his political party to the clerk of the election, who shall thereupon announce the same in the presence of the judges of the election, and if such person is entitled to vote in such primary election the clerk shall write on the primary stub of the ballot to be voted by such person his name and residence. The clerk shall then tear off the ballot at the perforated line and indorse his own name across the back of the ballot and then deliver the ballot to the elector who shall be entitled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot; and when he has prepared it he shall fold it so as to conceal the names of all candidates thereon and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall, in the presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast.

§ 14. Immediately after the closing of the polls at a

primary nominating election the names of electors of each political party who voted at said primary nominating election shall be counted, and the number so voting for each political party shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all the election officers at the precinct in the same manner as is provided, or may hereafter be provided for certifying and signing the official returns in the general elections. Said officers of election shall count the number of ballots cast by each political party, and shall keep them separate so that all the ballots belonging to one party shall be in one bunch and the ballots belonging to another party in another bunch, and so on to all parties who participate in such primary election. As soon as the officers of election have thus separated, sorted, and bunched the ballots for each political party, then they shall take the tally sheets provided by the County Clerk and shall count all the ballots for each political party separately until the count is completed and shall certify to the number of votes for each candidate for nomination for each office upon the ticket of each party. They shall then place the counted ballots in the ballot box of each respective political party after first fastening and sealing said ballots for each political party in a separate bundle and sealing them for transmission to the County Clerk as is now, or may hereafter be, required for the transmission of ballots voted at a regular election. Said election officers shall then place the tally sheet for each political party in separate envelopes provided for that purpose by the County Court Clerk, and they shall seal said envelopes and place them in the ballot box of such party. They shall then place all contested, disputed and spoiled ballots in envelopes prepared for that purpose and seal the same and place same in the ballot boxes. Then after the officers of election have

thus counted, certified and prepared the election returns, they shall put the certified election returns in the ballot box of each respective political party, together with all the supplies that are to be used in conection with said election, such as stencils, ink pads, sealing wax, stamps, seals and other supplies that are, or may be required to be returned to the County Court Clerk, and lock said ballot boxes; and the sheriff of election and that judge who is of the opposite political affiliation, shall immediately take and deliver said ballot boxes with the election returns to the County Court Clerk, and the same shall be received and receipted for in the same manner as the ballot boxes and election returns in general elections, except that said ballot boxes shall be opened by the County Court Clerk and the returns therein destroyed within ten days before the succeeding November election: Provided, That where a contest has been instituted and not disposed of, the ballot boxes shall not be opened by said clerk until after said contest has been finally disposed of.

§ 15. On the third day after the close of any primary nominating election of the County Election Commissioners of each county shall proceed to canvass the returns of said primary election and tabulate the same. Such tabulation of votes for nominations for United States Senator and for all other candidates for office whose nomination papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted to the Secretary of State, in like manner as other election returns are transmitted to him. The tabulation of votes for all offices for which nomination papers are required to be filed in the County Court Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Court Clerk's office immediately after

the canvass of the returns and tabulation of the votes by said Election Commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for the offices for which they were candidates. In all legislative and senatorial districts, which are composed of two or more counties, the County Court Clerks of each county in each such district shall immediately after the primary nominating election returns have been canvassed and certified to them by the Election Commissioners, certify the vote of each candidate for State Senator and Representative to the County Court Clerk in the county having the largest population in each such district, and shall immediately transmit to such clerk the votes aforesaid for candidates for State Senator and Representative. On the fourteenth day after such primary nominating election, the County Election Commissioners of the largest county in each legislative and senatorial district in the State, that is composed of two or more counties, shall assemble at the County Court Clerk's office in said county and canvass the returns that have been certified by the Election Commissioners of each county in such district for State Senator and for Representative, and they shall issue to the person receiving the greatest number of votes for the office for which he was a candidate a certificate of nomination, which certificate shall, not less than fifteen days next before the day on which the general November election is held, be filed in the office of the County Court Clerk of each county comprising such legislative or senatorial district. On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to par-

ticipate in such primary nominating election; and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of such political party receiving the highest number of votes for the office for which he was a candidate a certificate of nomination which certificate shall, not less than thirty days next before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidate of the various political parties for the office to be filled at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be voted for where the candidate is to be voted for by a district smaller than the State.

§ 16. Any candidate wishing to contest the nomination of any other candidate who was voted for at any primary election held under this act shall give notice in writing to the person whose nomination he intends to contest, stating the grounds of such contest, within five days from the time the Election Commissioners shall have awarded the certificate of nomination to such candidate whose nomination is contested. Said notice shall be served in the same manner as a summons from the Circuit Court, and shall warn the

contestee of the time and place, when and where the contestee shall be required to answer and defend such contest, which shall not be less than three, nor more than ten days after the service thereof. Such contest shall be tried by the Judge of the Circuit Court of the county in which the contestee resides or is served. Upon return of said notice properly executed as herein provided, to the office of the Circuit Clerk of the county in which said contestee resides or is served with such notice of contest, it shall be the duty of the Clerk of the Circuit Court to immediately docket said cause and to immediately notify the presiding judge of the Circuit Court of said county that such contest has been instituted. On or before the time for the return of said notice of contest, the contestee may controvert the grounds of contest and may also set up additional grounds of contest against the contestant. If additional grounds of contest are set up by the response of the contestee the court may allow the contestant reasonable time, not to exceed three days, however, in which to reply; but no additional grounds of contest shall be set up in any reply, and the cause shall be tried upon the grounds of contest contained in the original notice by the contestant and the response of the contestee. Each party to such contest shall be entitled in the production of evidence to be used on the trial thereof to all the remedies allowed in cases at law and in equity, and the judges shall proceed to a trial of said cause within five days after issue is joined as herein provided. In trying such contests the court shall hear and determine all questions of law and fact without the intervention of a jury, and may examine the witnesses orally or require the parties to take the evidence by depositions, in the discretion of the court, or as may be agreed by the parties: Provided, however, That if the evidence is taken orally either party may have the right to require it to be taken by the official stenographer or reporter for the

court, to be taken and transcribed and paid for as evidence in other civil actions. The court may require the contestant, or the person who has the burden of proof under the issues joined, to complete his proof in not less than five days, and the contestee, or the person not having the burden, to complete his proof in not less than five days thereafter, and each party may be given one day additional for producing evidence in rebuttal, and no greater time shall be extended, unless the court be satisfied that the ends of justice demand it. The court shall immediately, after the evidence is concluded, consider said contest and determine the same, and his judgment shall be filed in the office of the Circuit Court Clerk as the judgment of the Court, and shall have the same force and effect as a judgment rendered by the court in term time. The party desiring to appeal from the judgment of the court shall, on the same day after the same is rendered, execute a supersedeas bond in the same form and to the same effect as other supersedeas bond in other civil actions for an appeal to the Court of Appeals, and the clerk shall immediately thereafterwards transmit to the Clerk of the Court of Appeals the original papers in said contest, including such transcript of evidence as may be furnished or as may be required by the court or by the parties, and said record of said contest when received by the Clerk of the Court of Appeals shall be immediately delivered to the Chief Justice, and said contest shall have precedence over all other business and causes then pending in the Court of Appeals and shall be heard and disposed of by the Court of Appeals as speedily as the exigences in the case will admit. If on the trial of such contest the issue is finally decided in favor of the contestee this fact shall be certified to the Secretary of State, and to the County Court Clerk of the county in which the cause is finally determined. If said contest is finally decided in favor of the contestant this fact shall be certified

to the Secretary of State, and to the Clerk of the Circuit Court of the county in which the contest originated; and if the contest was of a nomination that is required to be certified to the Secretary of State, then the Secretary of State will place the name of the successful contestant on the ticket in the place of the name of the contestee to be voted for by his political party at the succeeding November election. If the nomination is one that is required to be certified to the County Court Clerk, then the County Court Clerk or clerks of the county or counties in which such candidate is to be voted for, shall place the name of the successful contestant on the ballot of his political party in lieu of the name of the contestee, to be voted for at the succeeding November election. Provided, however, That when the contests provided for in this act shall be for nomination to offices for the State at large, the notice of the contest shall be filed and the contest tried in the Franklin Circuit Court; but shall otherwise be subject to the provisions of this act.

§ 17. In all cities and places where registration of voters is required as a qualification for electors to entitle them to vote there shall be held a special registration on the Tuesday next before the holding of such primary election for the registration of all electors who will be entitled at the succeeding general election to vote in their respective precincts and who wish to affiliate with the political parties who are entitled to make nominations at such primary election and who did not register at the last regular registration. Said registration shall be held in all respects as required by law for the holding of registration for general elections.

§ 18. Said primary nominating elections shall be held and conducted by the regular election officers who held the regular election at the last preceding general election: Provided, That where said regular election officers fail to attend

or refuse to serve at the holding of said election, their places shall be filled by other election officers to be selected in the same manner in all respects as at the general election, under similar and like conditions, and the special election officers who may be thus chosen to take the place of the regular election officers who fail or refuse to attend or hold said election, shall be invested with the same rights and authority as the duly appointed election officers. Each political party shall be entitled to have not exceeding two challengers and two inspectors at each precinct during the holding of said primary election, same to be appointed and to serve under the following conditions:

"Any group of candidates of the same political party equal to twenty-five per cent of all the candidates for such party to be voted for in a county (including State, district and all other candidates) in any primary may recommend to the county committee or governing authority of such party for the county a list of persons whom they desire to have appointed as challengers and inspectors in each precinct in such county. If more than two such lists are furnished said committee or governing authority as herein provided, said committee or governing authority shall in making appointments of challengers and inspectors so alternate between the several lists so furnished as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger and one inspector for any precinct from any one list. The lists of challegers and inspectors herein provided shall be presented to the chairman or secretary of the party committee of the county not less than ten days before the date on which the primary is to be held; and said committee or the chairman thereof shall make the appointments and certify to same at least five days before the date on which said primary is

held. Said appointment of challengers and inspectors shall be certified in all respects as challengers and inspectors at regular elections, except as otherwise herein provided, and said challenger and inspector shall be subject to the same penalties and possess the same rights and privileges as challengers and inspectors at general elections: Provided, That the challengers of one political party shall not be entitled to challenge those persons who offer to vote for candidates of any other party in such primary; and the inspectors of one political party shall not be permitted to examine or inspect the ballots or returns of any other political party than the one for which he was appointed."

§ 19. All the supplies for holding said primary elections, and all the expenses of such primary elections shall be furnished and paid for in the same manner and by the same authority as the like supplies and expenses of the general election; and the paper for the printing of the ballots for the primary nominating election shall be furnished in the same way and paid for in the same way as the paper used for printing the ballots for the regular election; and the printing of the ballots and the distribution of the same, except as otherwise herein provided, shall be in the same manner as is now, or may hereafter be prescribed for the printing and distribution of ballots for the general election; and all officers shall receive the same fees for services rendered in the holding of the primary nominating election as are paid for the same or similar services in holding general election, and payable in the same manner and by the same authority.

§ 20. Party candidates for nomination for United States Senator shall have their returns canvassed in the same way as other party candidates for offices for the State at large, and they shall be entitled to have issued to them by

the State canvassing board, or State board of election commissioners, certificates of nomination to the successful candidate or candidates of each political party, which certificates of nomination shall be filed with the Secretary of State and shall become a public record in his office; and the Secretary of States shall, on the first Tuesday in January next, after such certificates of nomination of party candidates for the offices of United States Senator have been filed in his office, report the same to each House of the General Assembly separately as soon as each of said Houses has organized. The candidate receiving the highest number of votes in a primary nominating election for the office for which he is a candidate shall be declared the nominee of his poiticlal party for such office, and he shall be entitled immediately to receive his certificate of nomination when such fact is ascertained.

§ 21. No person shall be entitled to have his name placed upon the official ballot at a general election to be voted for any elective office as the candidate of a political party within the meaning of this act in any other way than herein expressly provided. Independent candidates, and candidates of parties not coming within the provisions of this act, may be nominated and have their names placed upon the official ballot, but not under the device of any political party that is entitled to nominate its candidate at a primary election, as herein provided in the following manner, to-wit:

The County Court Clerk of each county shall cause to be printed on the official ballots the names of the candidates nominated by any party which cast less than twenty per cent and more than two per cent of the total vote of the State at the last preceding election at which presidential electors were voted for, where such candidates shall have their nominations certified to by the chairman and secretary

of the party committees or governing authority, of the party proposing such nomination. And the names of any other candidates for any office to be voted for at a general election shall be placed upon the official ballot when so petitioned for by electors qualified to vote for such candidates as follows:

For a State officer, or any officer for whom all the electors of the State are entitled to vote, one thousand petitioners; for a Representative in Congress, Judge of the Court of Appeals, Railroad Commissioner, four hundred petitioners; for a Circuit Judge, Commonwealth Attorney, State Senator, or any officer to be voted for by the electors of the whole county, and for a Representative in the General Assembly, one hundred petitioners; for an officer in any other district or division of a county, twenty-five petitioners. The signers to all such petitions shall give their residence and postoffice address accurately, and no name of such petition shall be counted as a signer where the residence and postoffice address are not clearly designated on such petition. Such petitions of nomination shall state the name and residence of each such candidates; that he is legally qualified to hold such office; that the signers thereto desire and are legally qualified to vote for such candidate; and they shall designate a brief name or title for the party or principle which said candidate represents, together with any simple figure or device by which he shall be designated on the ballot: Provided, however, That no such candidate nominated as provided in this section shall be entitled to the use of any word, device or figure in the description of his name or principle, which are used and have been adopted by any political party entitled under the provisions of this act to nominate its candidate in a primary nominating election as herein provided. Such petitions for nomination, and certificates of

nomination as provided in this section, shall be filed in the same manner and within the same time, and in the same offices that certificates of nomination of candidates nominated by a primary nominating election are required to be filed.

§ 22. Any act or deed denounced by the general laws of the State concerning elections shall also be an offense under this act, and shall be punished in the same form and manner as provided for the punishment of like offenses against the general election laws, and all the penalties denounced for violations of the general election laws shall apply with equal and like force to all and similar violations and infractions of the provisions of this act, and shall be as effective as though fully set out herein.

§ 23. All laws and parts of laws in conflict herewith are hereby repealed.

The substitute as proposed therefor by the said Committee reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. NOMINATIONS—HOW MADE.—Hereafter all candidates for elective offices to be voted for at any general election shall be nominated:

1. By a primary election held in accordance with the provisions of this act, or

2. By certificates of nomination signed and filed as herein provided.

The provisions of this act shall not apply to candidates

for trustees of common schools or members of school boards where such nomination and election are required by law to be made by a separate ballot nor to trustees in towns of the fifth and sixth classes, nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter, provided by law. This act shall not be construed to repeal or affect in any way an act entitled "An act to amend an act entitled 'An act for the Government of cities of the second class in the Commonwealth of Kentucky,' " approved March 21, 1910, Chapter 50, Acts 1910.

§ 2. UNITED STATES SENATORS.—Party candidates for the office of United States Senator shall be nominated by a preference vote in the manner provided herein for the nomination of other party candidates for the State at large. Candidates for party nomination for United States Senator shall be voted for at the primary election held next before their election. In any case, where through a vacancy, a United States Senator is to be elected for an unexpired term, party candidates for said office shall be nominated at the last primary preceeding the election at which said unexpired term is to be filled, provided the said vacancy occurred 70 days before said primary election, and not otherwise. If under this section two candidates for the office of United States Senator are to be nominated by each party at the same primary election, candidates for the full term shall be grouped together on the party ballots under appropriate headings.

Party candidates for nomination for United States Senator shall have their returns canvassed in the same way as other party candidates for offices for the State at large, and they shall be entitled to have issued to them by the State Canvassing Board, or State Board of Election Commission-

ers, certificates of nomination to the successful candidate or candidates of each political party, which certificates of nomination shall be filed with the Secretary of State and shall become a public record in his office; and the Secretary of State shall, on the first Tuesday in January next, after such certificates of nomination of party candidates for the office of United States Senator have been filed in his office, report the same to each House of the General Assembly separately as soon as each of said Houses have organized. The candidate receiving the highest number of votes in a primary nominating election for the office for which he is a candidate shall be declared the nominee of his political party for such office, and he shall be entitled immediately to receive his certificate of nomination when such fact is ascertained.

§ 3. TIME AND PLACE OF HOLDING.—On the first Saturday in August of each year between the hours of 6 o'clock a. m. and 4 o'clock p. m., there shall be held at the regular polling places in each election precinct in this State a primary election for the nomination of candidates by political parties as hereinafter defined, to be voted for at the next November election. The provisions of this act shall not apply to vacancies in offices to be filled at special elections held at times other than the regular November elections. Nominations by political parties to fill vacancies at special elections to be held on days other than the regular November election shall be made in such manner as may be determined by the governing authority of such political party in the territory in which said election is to be held.

§ 4. UNEXPIRED TERMS.—Candidates for unexpired terms to be filled at the November election shall be nominated at the primary next preceding such November election. Provided, That such vacancy occurred not less than

seventy days before the day on which the next primary is to be held. But if such vacancy occurred less than seventy days before the primary election the nomination shall be made in such manner as may be determined by the governing authority of the political parties.

§ 5. PARTIES REQUIRED TO NOMINATE IN THE PRIMARY.—A political party within the meaning of this act is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise. Provided, that when a vacancy occurs after any nomination by death or otherwise the governing authority of such party may provide for filling such vacancies and making such nominations. And where such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the govering authority of the party making the same, and shall be filed in the same manner as certificates of nomination at a primary nominating election. Provided, however, that where a political party has before the passage and approval of this act made a nomination or nominations of candidates to be voted for at the November election in 1912, then no nominations by such parties for such offices shall be made in the primary election held under this act in the year 1912.

No candidate nominated in any other manner than as provided in this act shall be entitled to the use of any word, device or figure in the description of his name or principle,

which are used and have been adopted by any political party under the provisions of this act to nominate its candidates in a primary election as herein provided.

§ 6. NOMINATION PAPERS.—Any qualified elector who files his petition and the nominating petition of electors as hereinafter provided, and is a member of a political party subject to the provisions of this act shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary election held under the provisions of this act. Said petition shall state the name, age, postoffice address, political affiliations, and all other legal qualifications, of the candidate, and shall be in substantially the following form:

"To ..... (Address of the officer with whom the petition is to be filed) and to the members of the ..... party of ..... (State, county, district, city or town, or as the case may be).

"I ..... reside at ..... and my postoffice address is ..... (give State, county, postoffice, street and number or rural route). I am a member of the ..... political party and affiliated with it and supported its nominees at the last regular election, and I am ..... years of age and possess all the other legal qualifications necessary to entitled me to hold the office of .... (here state the name of the office for which he desires to be voted) to wit: ....(here state all additional legal qualifications required for holding said office). If I am nominated for said office of ..... at the primary election to be held on the first Saturday in August next, I

will accept the nomination and will not withdraw, and if elected, I will qualify as such officer.

"Dated at ..... on this the ..... day of ..... 19.."

Every candidate before a primary election held under this act shall also file, or there shall be filed in his behalf, a nomination paper as herein provided, and the name of no candidate shall be printed on any ballot to be used at such primary election unless said nomination papers shall have been so filed. Said nomination papers shall be in substantially the following form:

"We, the undersigned, qualified electors of precinct ..... ward ..... (to be altered to suit the precinct or ward concerned) county of .... State of Kentucky, and members of the .... party, hereby nominate ....who resides at No. ..... street, city of ..... county of. ..... State of Kentucky (or as nearly as the address can be given) as a candidate for the office of ..... (here specify office) at the primary to be held on the first Saturday in August, 19.., as representing the principles of said party; and we declare that we intend to support the candidate herein named.

In Cities.

Name of voter	Street.	Number.	Date of signing.

All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having this form written at the top thereof.

Each signer of a nomination paper shall sign but one such paper for the same office, except in cases where more than one office of the same kind are to be filled by the same voters at the same election, in which case a voter may sign for as many candidates as there are offices to be filled, and for no more. Each signer of a nomination paper shall declare that he intends to support the candidate named therein. He shall add his residence and street number, if any, and the date of signing. No nomination paper shall be circulated prior to sixty days before the date by which such paper is required to be filed, and no signature shall be counted unless it has been affixed to such nomination paper and bears date within sixty days prior to the time for filing same.

For all nominations as many sheets as necessary may be used for each precinct, but for offices to be filled wholly by the voters of one county or a part thereof, all signers of each separate sheet shall reside in the same precinct, and all sheets, containing signatures from one precinct shall be placed together before filing the nomination paper. For all offices to be filled by the electors of more than one county, all signatures on each separate sheet shall be residents of the same county, but not necessarily of the same precinct, and the form at the top of the sheets in a nominating paper for such offices shall read: "We, the undersigned, qualified electors of ..... county," etc. All sheets containing signatures from one county shall be placed together before filing the nomination paper.

No person who is not a qualified elector, and a member

of a party making nominations under the provisions of this act, and who is not registered, if he lives in a precinct where registration is required, shall be qualified to join in signing any nomination petition; and no person shall sign any nominating petition of any candidate in any political party other than that of which such signer is a member, and with which he is registered, if he resides in a precinct where registration is required. Signatures contrary to the foregoing provisions shall not be counted.

§ 7. TIME AND PLACE OF FILING.—For all offices to be voted for by the electors of one county or of a city, district or subdivision therein, except members of Congress, said nomination papers shall be filed with the County Clerk of such county, at least thirty days prior to the holding of the primary election. For State officers, members of Congress, and for all officers to be voted for by the electors of more than one county, said nomination paper shall be filed with the Secretary of State, at least forty days before the holding of the primary election.

§ 8. NUMBER OF SIGNATURES.—For officers to be voted for by the electors of one county or a portion thereof, said nomination paper shall be signed by at least three per cent and by not more than ten per cent of the total vote of the party of the candidate in the city, county or district, in which he seeks to be elected. For officers to be voted for by the electors of a district comprising more than one county and less than the entire State, said nomination paper shall be signed by at least two per cent, and by not more than ten per cent of the vote of the party in each of at least one-half of the counties in such district: Provided, That for the office of Railroad Comissioner such nomination paper shall be required to have said percentage of signatures in only one-fourth of the counties in a railroad commission

district. For officers to be voted for by the electors of the entire State, said nominating paper shall be signed by not less than two per cent and by not more than ten per cent of the vote of the party of such candidate in each of at least ten counties in the State.

§ 9. BASIS OF PERCENTAGE.—The basis of percentage in estimating the number of signatures required upon nominating papers shall be the highest vote of any candidate of the party for elector at the last election for President.

§ 10. WHEN DESTROYED.—All nomination papers in the custody of the County Clerk and the Secretary of State under the provisions of this act shall be destroyed six months after the primary election for which said papers were filed. But such papers as are material to any investigation or litigation then pending shall not be destroyed until the final determination of such investigation or litigation.

§ 11. INSPECTION OF PAPERS.—All nomination papers filed under the provisions of this act shall at all times be subject to inspection by candidates and by the County Attorney, the Commonwealth Attorney and the Attorney General.

§ 12. REGISTER OF CANDIDATES.—The Secretary of State and the County Court Clerks shall each keep a book entitled "Register of Candidates for Nomination in the Primary Election," and shall enter therein on different pages of said book for the different political parties subject to the provisions of this law the title of office sought and name and residence of each candidate for nomination in the primary election, the name of his political party, and the date of receiving his petitions. Said book shall be so kept that the names of all candidates of the same political party shall be

on the same or successive pages and the names of candidates of no two political parties shall appear on the same page. Said books are hereby declared to be public records.

§ 13. CERTIFICATION OF CANDIDATES BY SECRETARY OF STATE.—Not less than thirty days before the primary election is to be held, the Secretary of State shall certify to the County Clerks of the respective counties entitled under the laws to participate in the nomination of the respective candidates, the name, place of residence, and party of each candidate for each office, as specified in the nominating petitions filed with him, and shall designate, subject to the provisions of this act, the device under which the groups or lists of candidates, or candidate, of each party shall be printed, in the order in which they shall appear on the ballot.

§ 14. ORDER OF NAMES CERTIFIED BY SECRETARY OF STATE—HOW DETERMINED.—For the purpose of determining the order in which the names of candidates to be voted for by the electors of the entire State shall be certified and printed on the ballots under the designation of the respective offices, the Secretary of State shall prepare lists of the counties of each congressional district of the State. He shall then arrange the surname of all candidates for each office in alphabetical order for the first congressional district, and the names shall be certified in this order to the County Clerks of all the counties comprising said congressional district. Thereafter for each succeeding congressional district, taken in the order of their numbers, the name appearing first for each office in the last preceding district shall be placed first, and each other name be moved up one place. The lists shall be certified accordingly.

For all other offices for which nominating papers are

filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State thirty-eight (38) days before the primary election at two o'clock p. m., standard time.

§ 15. Publication of Names by County Clerk—Order of Printing.—Not less than twenty days before the primary election the County Clerk of each county shall publish under the proper party designation and title of each office the names of all persons certified to him by the Secretary of State, in the same order in which they were certified, and of all persons for whom nomination papers have been filed with such County Clerk.

Only the names of persons who have substantially complied with provisions of this act shall be published or printed on the ballot, and such names shall be published or printed in the order in which they are to be printed on the ballots. Said publication shall be done by posting a notice at the door of the courthouse and causing said list to be printed once in a newspaper of general circulation in such county, if there be such a newspaper.

The order in which the names of candidates for each office for whom nomination papers have been filed in the office of the County Clerk, shall be printed on the primary election ballot, shall be determined at a public drawing in the office of the County Clerk twenty-five days before such primary election at two o'clock p. m., standard time.

§ 16. Order in Which Different Officers Shall Appear on Ballot.—The order in which the different offices are printed on the primary election ballot shall be the same as in the case of regular elections. The office of United

States Senator shall come first when candidates for said office are to be nominated.

§ 17. BALLOTS AND BALLOT BOXES.—There shall be a separate ballot for each political party subject to this act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words "Official Primary Ballot," and at the head thereof shall be printed the words "Official Primary Ballot," together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the County Clerks as herein provided.

All the official ballots designed to be voted in the primary nominating elections shall be printed in black ink upon a good quality of white paper. The arrangement of each ballot shall be exactly the same for each political party, and the size and the printing shall be the same for each political party. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and they shall not be voted or counted.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates for nomination by making with the stencil a cross in the square after the name of each candidate for whom he wishes to vote

for nomination; and on the ballot may be printed such words as will aid the elector to do this, such as, "Vote for one," "vote for two," and the like, to inform the elector of the number of candidates for whom he is entitled to vote for each office, and at the bottom or outer end of each ballot shall be prepared a secondary stub, separated from the body of the ballot by a perforated line. Said secondary stub shall be in all respects as the like stub on the ballot used at the general elections, and shall be used in like manner and for the same purpose.

Separate ballot boxes shall be supplied for each party and the ballots cast shall be placed in the appropriate party boxes, but a ballot shall not be disqualified by reason of having been in the wrong ballot box.

§ 18. Number of Ballots.—There shall be provided and furnished at each primary nominating election and each election precinct fifty per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential election the County Court Clerk shall furnish such number of ballots in such precincts as may be requested by the chairman of the County Executive Committee, or authority, of each political party, not exceeding, however, three hundred ballots for each party for each such precinct.

§ 19. Qualifications of Electors.—In addition to the special qualifications hereinafter prescribed, the same qualifications shall apply in primary elections held under this act, as are now required in regular elections. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election.

In precincts where registration is required, no elector, except those entitled to be specially registered as hereinafter provided, shall be entitled to vote in any primary unless he is registered in the registration book of said precinct for the preceeding year, as affiliating with the party whose ballot he offers to vote. If so registered he shall be entitled to vote the ballot of the party with which he is registered, and no other. In other precincts qualified electors shall be allowed to vote only the ballot of that party with which they declare their affiliation.

§ 20. SPECIAL REGISTRATION.—Fourteen days before the primary provided for in this act there shall be a special registration at the office of the County Clerk, for persons entitled to be specially registered for the purpose of voting in said primary. The following persons and no others shall be entitled to special registration:

1. Any persons who were absent from the city or town of their residence during the entire time of the registration for the preceding year.

2. Persons who were prevented from registering by reason of their own sickness or by death in their immediate families.

3. Persons who moved into the city or town of their present residence after the latest date that would enable them to register for the purpose of voting in the last regular election, and who have the qualifications of voters in the precincts in which they reside.

4. Persons who have become of age since the last election and have the qualifications of electors.

Before registering any person under this section the County Clerk shall require him to make written oath as to the cause of his failure to attend the last regular registration. In all cases where illness is given as a cause for failure so to register, the affidavit of a physician setting forth the fact shall also be required. All affidavits provided for under this section shall be kept in a bound book made for that purpose. When the proper affidavits have been made, the Clerk or his deputy shall write the name of the person applying in the proper registration book of the preceding years on the last page containing the names beginning with the same letter, and, if necessary, on pages immediately following; and in the column headed "Remarks" shall be written the words "Specially Registered," with the signature of the Clerk and the date.

Any elector present in the office of the County Clerk may challenge the right of any person to register specially under this section, and thereupon the County Clerk shall examine such person and any witnesses who may be offered, under oath, and shall determine the right of said person to register. The registration books in the possession of the County Clerks shall be sent to the polls and shall be used by the election officers to determine the right of any person to vote in the primary election; and there shall be no special registration at the polls.

§ 21. Transfer Certificates.—There shall be no transfer certificates for enabling electors to vote in the primary election, but any voter who has removed from one precinct to another, in which registration is required, after having been registered for the last November election, may apply to the County Clerk upon the day for special registration provided for in the last preceding section and have his name canceled off by writing opposite it in the column

headed "Remarks" the word "removed" and upon oath that he is a qualified voter or will be a qualified voter, on the day of the primary in the precinct of his present residence he shall be entitled to be specially registered as provided in the last preceding section. Persons removing from one city or town in a different county shall not be required to have their registration canceled, but may specially registered upon making the affidavit as herein provided.

§ 22. OFFICES OF ELECTION.—Officers of election for the primary shall be appointed by the County Board of Election Commissioners as provided by law in the case of the November elections: Provided, That the lists of names selected by the several party committees shall be submitted to said board not less than fifteen days (15) before the holding of the primary and shall be open to inspection thereafter; and provided, that candidates before the primary shall be entitled, if they so desire, to unite regardless of party, in designating the names of persons to be appointed officers of election, under the rules hereinafter laid down. All designations of persons selected by candidates for appointment shall be made by written notice to said board, delivered to any member thereof, not later than ten days before said primary. Any group of 25 per cent of all candidates before the primary shall be entitled to have appointed as an election officer one person in each precinct for which a name is so submitted. In cases where names are so designated for several precincts, the persons so designated shall be appointed in equal proportion to the offices of Clerk, Sheriff and Judge in the different precincts. In like manner 50 per cent of all candidates before the primary shall be entitled to designate two persons to be appointed officers of election in each precinct. In such cases one of the persons so designated shall be appointed Clerk of Election in one-half of the precincts for which names are so designated. If

75 per cent of all candidates so unite they shall be entitled to designate three persons to be appointed officers of election in each precinct, and one of the persons so designated shall be appointed Clerk of Election in each of three-fourths of all the precincts for which names are so designated; and all the candidates by so uniting shall be entitled to the appointment of four officers of election in precinct for which names are thus designated.

In cases where candidates unite in the selection of persons to be appointed officers of election, as herein provided, the lists of names submitted by the party committees shall be treated by the Board of Election Commissioners as follows: If only one group of 25 per cent of the candidates unite in selecting one person to be appointed an officer of election in each precinct so designated, said board shall appoint only one officer of election for such precinct or precincts from the lists submitted by the committee of that party whose candidates form a majority of the signers of such written designation. If the signers of such lists are decided equally between the parties, then the lists of names submitted by each party committee shall have chosen from it only one name for an officer of election in every other precinct among those for which names are thus designated. If two groups of 25 per cent or one group of 50 per cent of all candidates so unite in designating persons to be appointed officers of election in one or more precincts, the remaining officers in such precincts shall be selected equally from the lists of the several party committees. In the event that 75 per cent of all candidates unite to procure the appointment of election officers in one or more precincts, or if three groups of 25 per cent of the candidates, or one group of 50 per cent and another of 25 per cent of the candidates submit names under the provisions of this section, the remaining

officer of election in each precinct shall be chosen alternately from the lists of the different party committees.

All persons who are to act as election officers shall be appointed by said board in accordance with the foregoing provisions, and the lists of officers of election with the office to which each person is appointed shall be made up and open to inspection by any candidate, not later than the noon on the Saturday preceding the day of the primary.

The duties herein provided shall be enforceable against said County Board of Election Commissioners, on the petition of any candidate, by the writ of mandamus. Proceedings in such cases shall be instituted in the Circuit Court. The proceedings shall be summary and without delay, and the orders of the court shall be final and not appealable.

§ 23. CHALLENGERS AND INSPECTORS.—Each political party shall be entitled to have not exceeding two challengers and two inspectors at each precinct during the holding of said primary election, same to be appointed and to serve under the following conditions:

Any group of candidates of the same political party equal to twenty-five per cent of all the candidates for such party to be voted for in a county (including State, district and all other candidates) in any primary may recommend to the County Committee or governing authority of such party for the county a list of persons whom they desire to have appointed as challengers and inspectors in each precinct in such county. If more than two such lists are furnished said committee or governing authority as herein provided, said committee or governing authority shall in making appointments of challengers and inspectors so alternate between the several lists so furnished as to give to each list an equal

amount or proportion of the appointments, but in no event shall there be appointed more than one challenger and one inspector for any precinct from any one list. The lists of challengers and inspectors herein provided shall be presented to the Chairman or Secretary of the party committee of the county not less than ten days before the date on which the primary is to be held; and said committee or the Chairman thereof shall make the appointments and certify to same at least five days before the date on which said primary is held. Said appointment of challengers and inspectors shall be certified in all respects as challengers and inspectors at regular elections, except as otherwise herein provided, and said challenger and inspector shall be subject to the same penalties and possess the same rights and privileges as challengers and inspectors at general elections: Provided, That the challengers of one political party shall not be entitled to challenge those persons who offer to vote for candidates of any other party in such primary; and the inspectors of one political party shall not be permitted to examine or inspect the ballots or returns of any other political party than the one for which he was appointed. The provisions of this section shall be enforceable against the chairmen of the political party committees in the same manner as provided in the last preceding section of this act.

§ 24. MANNER OF VOTING.—Any person desiring to vote shall give his name, his residence, and the name of his political party to the clerk of the election, who shall thereupon announce the same in the presence of the judges of the election and if such person is entitled to vote in such primary election the clerk shall write on the primary stub of the ballot to be voted by such person his name and residence. The Clerk shall then tear off the ballot at the perforated line and indorse his own name across the back of the ballot

and then deliver the ballot to the elector who shall be entitiled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot; and when he has prepared it he shall fold it so as to conceal the names of all candidates thereon and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall, in the presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast.

§ 25. COUNTING BALLOTS AND CERTIFYING RETURNS—Immediately after the closing of the polls at a primary nominating election the names of the electors of each political party who voted at said primary nominating election shall be counted, and the number so voting for each political party shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all the election officers at the precinct in the same manner as is provided, or may hereafter be provided for certifying and signing the official returns in the general elections. Said officers of election shall count the number of ballots cast by each political party, and shall keep them separate so that all the ballots belonging to one party shall be in one bunch and the ballots belonging to another party in another bunch, and so on as to all parties who participate in such primary election. As soon as the officers of election have thus separated, sorted, and bunched the ballots for each political party, then they shall take the tally sheets provided by the County Clerk and shall count all the ballots for each political party separately until the count is completed and shall certify to the number of votes for each candidate for nomination for each office upon the ticket of each party. They shall

then place the counted ballots in the ballot box of each respective political party after first fastening and sealing said ballots for each political party in a separate bundle and sealing them for transmission to the County Clerk as is now, or may hereafter be, required for the transmission of ballots voted at a regular election. Said election officers shall then place the tally sheet for each political party in separate envelopes provided for that purpose by the County Court Clerk, and they shall seal said envelopes and place them in the ballot box of such party. They shall then place all contested, disputed and spoiled ballots in envelopes prepared for that purpose and seal the same and place same in the ballot boxes. Then after the officers of election have thus counted, certified and prepared the election returns, they shall put the certified election returns in the ballot box of each respective political party, together with all the supplies that are to be used in connection with said election, such as stencils, ink pads, sealing wax, stamps, seals and other supplies that are, or may be required to be returned to the County Court Clerk, and lock said ballot boxes; and the sheriff of election and that judge who is of the opposite political affiliation, shall immediately take and deliver said ballot boxes with the election returns to the County Court Clerk, and the same shall be received and receipted for in the same manner as the ballot boxes and election returns in general elections, except that said ballot boxes shall be opened by the County Court Clerk and the returns therein destroyed within ten days before the succeeding November election; Provided, That where a contest has been instituted and not disposed of, the ballot boxes shall not be opened by said clerk until after said contest has been finally disposed of.

§ 26. Canvassing Returns—Certificates of Nomination.—On the third day after the close of any primary nominating election the county election commissioners of each

county shall proceed to canvass the returns of said primary election and tabulate the same. Such tabulation of votes for nominations for United States Senator and for all other candidates for office whose nomination papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted to the Secretary of State, in like manner as other election returns are transmitted to him. The tabulation of voters for all offices for which nomination papers are required to be filed in the County Court Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Court Clerk's office immediately after the canvass of the returns and tabulation of the votes by said election commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for the offices for which they were candidates. In all legislative and senatorial districts, which are composed of two or more counties, the County Court Clerks of each county in each such district shall immediately after the primary nominating election returns have been canvassed and certified to them by the election commissioners, certify the vote of each candidate for State Senator and Representative to the County Court Clerk in the county having the largest population in each such district, and shall immediately transmit to such clerk the votes aforesaid for candidates for State Senator and Representative. On the fourteenth day after such primary nominating election, the county election commissioners of the largest county in each legislative district in the State, that is composed of two or more counties, shall assemble at the County Court Clerk's office in said county and canvass the returns that have been certified by the election commissioners of each county in such district for State Senator and for Representative, and they shall issue to the person receiving the greatest number

of votes for the office for which he was a candidate a certificate of nomination, which certificate shall, not less than fifteen days next before the day on which the general November election is held, be filed in the office of the County Court Clerk of each county comprising such legislative or senatorial district. On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to participate in such primary nominating election; and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of each political party receiving the highest number of votes for the office for which he was a candidate a certificate of nomination which certificate shall, not less than thirty days next before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidates of the various political parties for the offices to be filled at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerk of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be

voted for, where the candidate is to be voted for by a district smaller than the State.

§ 27. REVIEW BY COURT.—Whenever it shall be made to appear by affidavit filed in the Circuit Court, that an error or omission has occurred or is about to occur in the placing of any name on an official primary ballot, or that an error or wrong has been committed or is about to be committed in printing such ballot, or in the performance of any duty imposed by this act, the court shall order the officer or person charged with such error, wrong or neglect, forthwith to correct the error, desist from the wrongful act or perform the duty, or show cause why he should not be compelled to do so. Failure to obey the orders of the judge or court shall be contempt of court and punishable as such. If the Circuit Court be not in session in the county the Circuit Judge shall hear and determine the complaint in vacation, unless he be absent from the county, in which case said affidavit shall be filed before the Judge of the county court who shall have full power to hear and determine the complaint and make appropriate orders therein. The orders of a court or judge under this section shall be final and not appealable. Only candidates may institute proceedings under this section. In case a charge under this section is directed against the Secretary of State or any other State officer, the affidavit shall be filed in the Franklin Circuit Court.

§ 28. CONTESTS.—Any candidate wishing to contest the nomination of any other candidate who was voted for at any primary election held under this act shall give notice in writing to the person whose nomination he intends to contest, stating the grounds of such contest, within five days from the time the Election Commissioners shall have awarded the certificate of nomination to such candidate whose nomination is contested. Said notice shall be served in the

same manner as a summons from the Circuit Court, and shall warn the contestee of the time and place, when and where the contestee shall be required to answer and defend such contest, which shall not be less than three, nor more than ten days after the service thereof. Such contest shall be tried by the judge of the Circuit Court of the county in which the contestee resides or is served. Upon return of said notice properly executed as herein provided, to the office of the Circuit Clerk of the county in which said contestee resides or is served with such notice of contest, it shall be the duty of the Clerk of the Circuit Court to immediately docket said cause and to immediately notify the presiding judge of the Circuit Court of said county that such contest has been instituted. Provided, That in counties constituting separate Circuit Court Districts and having more than one Circuit Judge the judge who shall hear and determine such cause shall be determined by lot. On or before the time for the return of said notice of contest, the contestee may controvert the grounds of contest and may also set up additional grounds for contest against the contestant. If additional grounds are set up by the response of the contestee the court may allow the contestant reasonable time, not to exceed three days, however, in which to reply; but no additional grounds of contest shall be set up in reply, and the cause shall be tried upon the grounds of contest contained in the original notice by the contestant and the response of the contestee. Each party to such contest shall be entitled in the production of evidence to be used on the trial thereof to all the remedies allowed in cases at law and in equity, and the judge shall proceed to a trial of said cause within five days after issue is joined as herein provided. In trying such contests the court shall hear and determine all questions of law and fact without the intervention of a jury, and may examine the witnesses orally or require the parties to take the evidence by depositions, in the discretion of the court, or as may be

agreed by the parties: Provided, however, That if the evidence, is taken orally either party may have the right to require it to be taken by the official stenographer or reporter for the court, to be taken and transcribed and paid for as evidence in other civil actions. The court may require the contestant, or the person who has the burden of proof under the issues joined, to complete his proof in not less than five days, and the contestee, or the person not having the burden, to complete his proof in not less than five days thereafter, and each party may be given one day additional for producing evidence in rebuttal, and no greater time shall be extended, unless the court be satisfied that the ends of justice demand it. The court shall immediately, after the evidence is concluded, consider said contest and determine the same, and his judgment shall be filed in the office of the Circuit Court Clerk as the judgment of the court, and shall have the same force and effect as a judgment rendered by the court in term time. The party desiring to apeal from the judgment of the court shall, on the same day after the same is rendered, execute a supersedeas bond in the same form and to the same effect as other supersedeas bonds in other civil actions for an appeal to the Court of Appeals, and the clerk shall immediately thereafterwards transmit to the clerk of the Court of Appeals the original papers in said contest, including such transcript of evidence as may be furnished or as may be required by the court or by the parties, and said record of said contest when received by the clerk of the Court of Appeals shall be immediately delivered to the Chief Justice, and said contest shall have precedence over all other business and causes then pending in the Court of Appeals and shall be heard and disposed of by the Court of Appeals as speedily as the exigencies in the case will admit. If on the trial of such contest the issue is finally decided in favor of the contestee this fact shall be certified

to the Secretary of State, and to the County Court Clerk of the county in which the cause is finally determined. If said contest is finally decided in favor of the contestant this fact shall be certified to the Secretary of State, and to the Clerk of the Circuit Court of the county in which the contest originated; and if the contest was of a nomination that is required to be certified to the Secretary of State, then the Secretary of State will place the name of the successful contestant on the ticket in the place of the name of the contestee to be voted for by his political party at the succeeding November election. If the nomination is one that is required to be certified to the County Clerk, then the County Court Clerk or clerks of the county or counties in which such candidate is to be voted for, shall place the name of the successful contestant on the ballot of his political party in lieu of the name of the contestee, to be voted for at the succeeding November election. Provided, however, That when the contests provided for in this act shall be for nomination to offices for the State at large, the notice of the contest shall be filed and the contest tried in the Franklin Circuit Court; but shall otherwise be subject to the provisions of this act.

§ 29. Election Supplies and Expenses.—All the supplies for holding said primary elections, and all the expenses of such primary elections shall be furnished and paid for in the same manner and by the same authority as the like supplies and expenses of the general election; and the paper for the printing of the ballots for the primary nominating election shall be furnished in the same way as the paper used for printing the ballots for the regular election; and the printing of the ballots and the distribution of the same, except as otherwise herein provided, shall be in the same manner as is now, or may hereafter be prescribed for the printing and distribution of ballots for the general election; and all officers shall receive the same fees for services rendered

in the holding of the primary nominating election as are paid for the same or similar services in holding the general election, and payable in the same manner and by the same authority.

§ 30. COUNTY CLERKS—COMPENSATION.—For his services under this act the County Clerk shall receive the following fees and no other: For every nomination filed with him by a candidate, one dollar; for publishing the list of candidates before the primary, twenty-five cents for each candidate, and the cost of printing; for each name specially registered by him as hereinbefore provided, ten cents. All fees and expenses incurred under this act shall be paid as other election expenses.

§ 31. FORGERY OF SIGNATURES.—Any person who shall forge any name of a signer to a nomination paper shall be guilty of forgery, and on conviction, be punished accordingly.

§ 32. SUPPRESSION OF NOMINATION PAPERS.—Any person who, being in possession of nomination papers entitled to be filed under this act, shall wrongfully either alter, mutilate or suppress, neglect or fail to cause the same to be filed at the proper time in the proper office, shall be guilty of a misdemeanor and, on conviction, be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed $500 or both such fine and imprisonment.

§ 33. COUNTY CLERK—PENALTY AGAINST FOR WRONGFUL ACTS.—The County Clerk shall be under the same duties and subject to the same liabilities for failure to perform same, with reference to printing the ballots for primary elections held under this act, as now is with reference to the November elections. Any County Clerk who shall knowingly cause

to be printed on any official primary ballot the name of any candidate who has not filed the nomination paper required by this act, or who shall knowingly fail to cause the name of any candidate who has complied therewith to be printed upon the ballot, or who shall knowingly cause to be printed upon the ballot for the regular election the name of any political party embraced in this act who was not nominated in the manner provided in this act, shall forfeit his office and be guilty of a felony and, upon conviction, be confined in the penitentiary for not less than one year nor more than three years.

Any County Clerk who shall register any person specially under the provision of this act, without administering and preserving in a book the affidavits herein provided for, shall be guilty of a misdemeanor, and upon conviction, be fined not less than $25 nor more than $200.

§ 34. SECRETARY OF STATE—PENALTIES AGAINST, FOR WRONGFUL ACTS.—Any Secretary of State who shall knowingly certify to the County Clerk of any county the name of any candidate who has not filed the nomination paper provided for by this act or who shall knowingly fail to certify the name of any candidate for whom the proper nominating paper has been filed with him, as herein provided, or who shall knowingly certify to any County Cerk the name of any candidate or any political party embraced in this act, to be printed on the ballots for the November election, who was not nominated in the manner provided in this act, shall forfeit his office and be guilty of a felony, and upon conviction, be confined in the penitentiary for not less than one year nor more than three years.

§ 35. PENALTIES.—Any act or deed denounced by the general laws of the State concerning elections shall also be

an offense under this act, and shall be punished in the same form and manner as provided for the punishment of like offense against the general election laws, and all the penalties denounced for violation of the general election laws shall apply with equal and like force to all and similar violations and infractions of the provisions of this act, and shall be as effective as though fully set out herein.

§ 36. RULES APPLYING TO PRIMARIES.—Except as herein provided, primary elections under this act shall be conducted substantially as now provided by law in case of regular elections. Any omission in this act shall be supplied as nearly as practicable from the Statutes governing the November elections. This act shall be liberally construed so as to carry out its purpose, and give to the voters of the different parties an opportunity to select their candidates.

§ 37. REPEAL.—All acts or parts of acts inconsistent with this act, or in conflict with the provisions of this act, are hereby repealed.

§ 38. EMERGENCY CLAUSE.—Whereas under the provisions of this act the full time allowed for the circulation and signing of petitions for nominations and for filing same is such as to make it doubtful whether the primary election under this act could be held in the year 1912 if the act is not required to take effect until 90 days after the expiration of this session of the General Assembly, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Mr. Asher offered the following amendments to said bill:

1. Amend Section 2 to read as follows: The primary

election shall be held at the regular voting place in each precinct on the first Saturday in August of each year, for the nomination of candidates to be voted for at the succeeding November election. Provided, that in the year 1912 and every year thereafter in which the President of the United States is to be elected, said primary election shall be held on the third Saturday in May instead of the first Saturday in August, and shall be subject to the same laws, rules and regulations as the August primary election.

2. Section 5. In the year 1912 and every subsequent year in which a President and a Vice President of the United States are to be elected, delegates to the National Conventions of the political parties, subject to this act shall be elected at the primary election, provided for herein in the following manner: Four delegates from the State-at-large and two delegates from each Congressional district shall be elected by the voters of each of said parties. The names of candidates for delegates-at-large shall be printed on the ballot together and above their names shall be printed the words "vote for four." The names of the candidates for district delegates shall be printed together and above their names shall be printed the words "vote for two." Should any elector vote for more than four candidates for delegate-at-large, his vote shall not be counted for any such candidates, and should any elector vote for more than two candidates for district delegates his vote shall not be counted for any such candidates. Should any elector vote for fewer candidates for delegates of either class than he is entitled to vote for, his vote shall be counted for the candidates so voted for. The four candidates for delegates-at-large of each political party receiving the highest number of votes, shall be delegates-at-large of their respective parties. The two candidates for district delegates of each political party,

receiving the highest number of votes, in their respective congressional district shall be delegates from such districts of their respective parties.

3. Section 6. ALTERNATES AND How CHOSEN.—The proper party authorities of each political party subject to this act, shall, not later than fifteen days prior to the holding of their respective party National Conventions, elect four alternate delegates from the State-at-large, and two alternate district delegates from each congressional district to said conventions. The manner of such elections may be determined by the rules of the respective parties. The names of all such alternate delegates shall be certified forthwith to the Secretary of State by the Chairman and the Secretary of the State Committee or Committees of the respective parties. Certificates shall be awarded by the Secretary of State to all alternate delegates.

4. Section 8. For all offices to be voted for by the electors of one county, or of a city, district, or subdivision therein except members of Congress and delegates to National Conventions said nomination papers shall be filed with the County Clerk of said county, at least thirty days prior to the holding of the primary election for State officers, members of Congress and delegates to National Conventions and for all officers to be voted for by the electors of more than one county, said nomination papers shall be filed with the Secretary of State at least thirty days before the holding of the primary election.

5. Section 9. For officers to be voted for by the electors of one county, or a portion thereof, said nomination papers shall be signed by at least 3 per cent and by not more than 10 per cent of the total vote of the party of the candi-

date in the city, county or district in which he seeks to be elected. For officers to be voted for by the electors of a district comprising more than one county, and less than the entire State, said nomination paper shall be signed by at least two per cent and by not more than ten per cent of the vote of the party, in each of at least one-half of the counties in such district: Provided, that for the office of Railroad Commissioner, such nomination paper shall be required to have such percentage of signatures in only one-fourth of the counties in the railroad commission district, and provided that nominating papers for district delegates to National Conventions need be signed by only one per cent and by not more than five per cent of the party vote in each, of not less than one-half the counties of each Congressional District. The officers to be voted for by the electors of the entire State, nominating papers shall be signed by not less than two per cent and by not more than ten per cent of the vote of the party of such candidate in each of at least ten counties in the State, provided that the nominating petition of candidates for delegrate in the State-at-large, need be signed by only one hundred voters of the party of such candidate in each of, at least, three and not more than five counties in the State.

Amend section 23, beginning with line three and ending with the word "law," in line ten, so as to read as follows:

The State Board of Election Commissioners in years when the primary election is to be held in May shall be appointed between the first and 15th day of April. In such years the County Boards of Election Commissioners shall be appointed not later than the first day of May. In other years the State Board shall be appointed in July and the County Boards shall be appointed not later than the 20th day of August. Otherwise the said boards shall be ap-

pointed under the same provisions as are now required by law.

Said amendments as offered by Mr. Asher were severally disagreed to.

The aforesaid substitute as proposed therefor by the said committee was adopted.

Ordered that said bill as amended by said subtsitute be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	G. L. Drury	R. Dillard Hunter
Eugene G. Asher	Ben F. Egleston	W. J. Jackson
Eli Berry	J. H. Elder	John G. Kelley
A. V. Bertram	Eli Farmer	W. E. King
Thos. M. Bertram	John M. Farra	William J. Kuh
E. Bishop	S. Walton Forgy	James A. Leach
H. C. Blades	John F. Fryer	J. Albert Leach
John F. Brewer	Allie T. Gaines	F. A. Lochry
Wallace Brown	D. Clarence Gray	B. J. Matthews
Wm. L. Bowling	T. J. Gregory	Emanuel Meyer
C. W. Burton	Joe Hall	S. F. Middleton
George P. Chinn	Elwood Hamilton	R. C. McClure
Henry Chunn	V. D. Hammond	W. N. McCubbin
W. Frank Cole	L. B. Herrington	Ben E. Niles
Sidney J. Collins	A. B. Holland	L. B. Owen
W. L. Craig	John W. Holland	Luther C. Owings
Elkanah Dickey	James R. Howell	A. W. Palmer

W. F. Parker	H. A. Schoberth	D. B. Thurman
J. R. Paxton	Robt. H. Scott	Yeaman Watkins
William A. Perry	W. H. Shanks	David W. Wiley
W. V. Perry	Walter S. Sinclair	J. H. Williams
Marion F. Pogue	W. Scott Smith	B. S. Wilson
John A. Polin	John G. Stoll	Edward L. Young
W. A. Price	Henry Thomas	Speaker Terrell
Stanley F. Reed	C. B. Thompson	—76
S. H. Rogers	E. B. Thompson	

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Under and by virtue of a resolution offered by Mr. Emanuel Meyer and adopted by this House on a former day (for Res. see yesterday's Journal), the Speaker announced the appointment of the following committee as provided for therein, viz.: Messrs. L. C. Owings, Berry, Niles, Knight and Emanuel Meyer.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 26. An act to establish a Department of Banking providing for the appointment of a Commissioner, Deputy Commissioner and Examiners thereof and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commowealth.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

DEPARTMENT OF BANKING CREATED.

§ 1. There is hereby established a department to be designated "Department of Banking," which shall be charged with the enforcement of all laws heretofore passed, or which may hereafter be passed, relating to banks, trust companies, saving banks, combined banks, and combined banks and trust companies, organized and doing business under the laws of the Commonwealth of Kentucky. Unless otherwise stated the words "bank" or "banks" herein used shall include all banks, trust companies, savings banks, combined banks, and combined banks and trust companies.

BANKING COMMISSIONER.

§ 2. The chief officer of this department shall be designated "Banking Commissioner" of the Commonwealth of Kentucky. The Governor of Kentucky shall appoint, during the month of June, 1912, and every four years thereafter a Banking Commissioner, under this act, whose term of office shall begin the first day of July succeeding his appointment, and he shall hold office for the term of four years and until a successor is appointed and qualified. The Banking Commissioner shall perform the duties hereinafter described, and shall appoint to, remove from, and fill any vacancies in all offices in the Department of Banking. He may adopt such regulations and forms as may be necessary and proper, under this act. He shall keep his office, which shall be provided and furnished by the Commonwealth, at the seat of Government, and shall receive for his services the sum of three thousand six hundred dollars ($3,600) per annum, payable monthy, out of the State Treasury. The Banking Com-

missioner and his deputy shall be allowed their necessary traveling and other expenses of conducting the office, payable on properly itemized and verified accounts filed with and approved by the Auditor of the State of Kentucky.

CLERKS.

§ 3. The Banking Commissioner may employ competent clerks and stenographers at an annual expense of not exceeding two thousand four hundred dollars ($2,400), payable monthly, out of the State Treasury, in the same manner as other officers of this department.

BANKING COMMISSIONER TO RECEIVE REPORTS.

§ 4. From and after July 1, 1912, all reports now required to be made by banks to the Secretary of State shall be made to the Banking Commissioner, and the powers and duties now imposed by law upon the Secretary of State with reference to all banks shall terminate, and said duties are hereby imposed upon the Banking Commissioner and his department, as provided under this act.

DEPUTY BANKING COMMISSIONER.

§ 5. The Banking Commissioner shall appoint a Deputy Banking Commissioner every four years, to assist him in the duties of his office. The Deputy Banking Commissioner shall not be a member of the same political party as the Banking Commissioner and he shall have the power, under the direction of the Banking Commissioner, to perform any duties attached by law to the office of Banking Commissioner, and during a vacancy in the office of Banking Commissioner, or during the absence or inability of the Banking Commissioner to serve, the deputy shall act as

Commissioner. The first term of office of the Banking Commissioner shall begin on the 1st day of July, 1912, and he shall hold office for the term of four years and until a successor is appointed and qualified; he shall receive an annual salary of two thousand five hundred dollars ($2,500), payable monthly, out of the State Treasury.

BANK EXAMINERS.

§ 6. The first Banking Commissioner appointed under this act shall, during the month after his own appointment and qualification, appoint three competent and suitable persons as State Bank Examiners, the term of office of two of whom shall be for two years from July 1, 1912, and the term of office of the remaining one shall be for four years from July 1, 1912. Thereafter the Banking Commissioner shall biennially, and during the month of June, appoint one or two State Bank Examiners, as the case may be, as successor or successors to the Examiner or Examiners whose term of office expires July 1, following. The full term of office of every State Bank Examiner so thereafter appointed shall be for four years, and shall begin on the 1st day of July succeeding his appointment. Appointments to fill vacancies shall be for the unexpired term only. They shall be members of the two dominant political parties. Each State Bank Examiner shall receive an annual salary of two thousand dollars ($2,000), payable monthly out of the State Treasury, and shall be paid his necessary traveling expenses monthly, on properly itemized and verified accounts rendered to the Banking Commissioner and approved by him and by the Auditor of the State of Kentucky.

QUALIFICATIONS.

§ 7. No Banking Commissioner, Deputy Banking

Commissioner, or State Bank Examiner, shall be or become indebted, directly or indirectly, either as borrower, indorser, surety or guarantor, to any bank under his supervision, or subject to his examination; nor shall he be a director, officer or employee in any such bank, but no person shall be appointed to examine the affairs of any bank or trust company in any county in which he holds stock in either a State or a National Bank. If any officer became so indebted to, or so interested in, any such bank or shall engage or become interested in the sale of securities as a business, or in the negotiation of loans for others, his office shall, ipso facto, become vacant. The cashier or president of any bank to which any of said officers shall become indebted, shall make immediate report thereof to the Governor, who shall remove the officer so offending.

Every Banking Commissioner, Deputy Banking Commissioner and State Bank Examiner shall be a resident and citizen of the Commonwealth of Kentucky, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as officer or clerk in a bank or trust company, and shall take the oath required of officers by the Constitution and laws of this Commonwealth, for the faithful performance of his duties. They shall severally execute bond with good surety, to be approved by the Auditor, for the faithful performance of their duties. The bond of the Banking Commissioner shall be in the penal sum of fifty thousand dollars ($50,000); the bond of the Deputy Banking Commissioner shall be in the penal sum of twenty-five thousand dollars ($25,000); the bond of each State Bank Examiner shall be in the penal sum of ten thousand dollars ($10,000). All bonds so required to be executed shall be filed as part of the public records in the office of the Secretary of State. The cost of all contingency and all bonds required to be given under this section, shall be borne and paid by the

State in the same manner as other expenses of the department.

INSPECTION OF BANKS.

§ 8. Every bank organized and doing business under the laws of this State shall be subject to the inspection of the Banking Commissioner. Such Commissioner shall personally or by the Deputy Commissioner or a State Bank Examiner, visit each bank and examine the cash, bills, collateral securities, other assets, books of account, and all other papers and books of such bank. On such examination, inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of the laws of this State have been complied with in the administration of its affairs, and as to such other matters as the Commissioner may deem necessary. Such examination shall be made of every bank, at least once in every year, but not to exceed twice in any one year, unless it shall appear from examination or from the report or reports of a bank that such bank has failed to comply with the laws relating to banks, or a regulation of the Department of Banking.

The Banking Commissioner, Deputy Banking Commissioner, and every State Bank Examiner, shall have the power to administer an oath to any person whose testimony may be required in the examination of any bank, and to compel the appearance of any such person for the purpose of such examination, which shall be made in the presence of one or more of the officers of the corporation being ex-

amined. No notice of the intended examination shall be given to the bank to be examined until the examining officer is prepared to proceed immediately with the examination. No officer or employee of the Banking Department nor the examiner conducting any examination, shall impart any information obtained by him during such examination, except so far as may be necessary in the performance of his official duty as provided by law.

The Banking Commissioner shall prescribe, from time to time, the order in which such banks shall be examined, but no such bank shall be examined twice in succession by the same examiner unless directed by the Commissioner.

FEES FOR REPORTS AND EXAMINATIONS.

§ 9. Every bank shall have each report made to the Commissioner and for the filing thereof without recording pay to the Commissioner a fee of $1.00; and for each examination herein provided shall pay to the Commissioner forthwith the following fees: For the examination of any bank having a capital and surplus of $20,000 or less the sum of $15.00; those having a capital and surplus above $20,000, but less than $50,000, the sum of $20.00; those having a capital and surplus of $50,000, up to and including $100,000, the sum of $35.00; for those having a capital in excess of $100,000, the sum of $10.00 for each additional $100,000, or fraction thereof.

All moneys collected by the Banking Department shall be paid as collected in to the State Treasury.

REPORT OF BANKS TO COMMISSIONER.

§ 10. Every bank, whenever required by the Banking

Commissioner, but not to exceed five times in any year, unless for cause the Commissioner deem additional reports necessary to gain complete information, shall make a report in writing to him, verified by the oath of its president or vice-president and its secretary or cashier, or two principal officers. Such report shall show the actual condition of the bank making the report at the close of business on any date designated by the Commissioner and shall specify the following:

(1) The amount of its capital stock and the number of shares into which it is divided.

(2) The names of the directors, and the number of shares of stock held by them.

(3) The total amount of capital actually paid in, and the total amount of surplus and other reserve funds, if any.

(4) The total amount due (a) depositors, (b) all other liabilities.

(5) The total amount and character of (a) overdrafts secured, (b) overdrafts not secured, and (c) all other assets.

(6) The amount at which the lot and building occupied by the bank for the transaction of its business stands debited on its books, together with the market value of all other real estate held, and whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the books, and where situated.

(7) The amount loaned on real estate.

(8) The indebtedness or liability (a) of each officer, and, (b) of each director to such bank.

(9) The amount invested in (a) bonds, and (b) stocks.

(10) The amount loaned on (a) stocks and bonds, (b) on other securities, (c) commercial paper, and (d) other notes and bills.

(11) The actual amount of money on hand and on deposit in other banks, with the name of such banks where deposited.

(12) Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situated and the value of such property, and the amount so loaned, deposited, or placed, and any other information he may require relative to the conduct and affairs of such bank.

REPORTS ARE EVIDENCE.

§ 11. Every official report made by the Commissioner, and every report duly verified of an examination made, shall be prima facie evidence of the facts therein stated for all purposes in any action or proceedings, wherein such bank is a party; provided that such reports shall not be made public except when required in proper legal proceedings.

REPORT TO BE PUBLISHED.

§ 12. Every bank shall within ten days after call made upon said institution by the State Banking Commissioner publish a condensed statement of its financial condition at the close of business on the date named in said call by said Banking Commissioner, which call may be made by him at any time he desires and he shall make at least two calls in each year. Said condensed statement made on a form to be furnished by the Banking Commissioner shall be published

in some newspaper of general circulation, published in the city or town where its principal place of business is located, and if no paper is published in said town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount due from banks, the total amount of checks and other cash items, the total amount of cash on hand, capital paid in, surplus fund; undivided profits, less expense and taxes paid; due to other banks; individual deposits subject to check; demand certificates of deposit; time deposits; certified checks, cashier's checks outstanding; and such other items as will show the actual financial condition of the bank making the report, and a copy certified to by the publisher shall be sent to the Banking Commissioner as a part of its next succeeding report.

PENALTIES.

§ 13. If the Deputy Banking Commissioner, or any State Bank Examiner, shall have knowledge of the insolvency or unsafe condition of any bank subject to examination under this act, or that it is unsafe, or that it is inexpedient to permit such bank to continue business and shall neglect to forthwith report such fact in writing over his signature to the Banking Commissioner, or shall disclose contrary to the provisions of this act any information obtained by him by virtue of his office, or shall violate any of the provisions of this act, or fail to perform any duty herein imposed upon him, he shall forfeit his office and shall be fined for each offense not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000).

If the Banking Commissioner shall have knowledge of

the insolvency or unsafe condition of any bank subject to examination or that it is unsafe or that it is inexpedient to permit such bank to continue business and shall wilfully fail to take action as provided in this act, or shall disclose contrary to the provisions of this act any information obtained by him by virtue of his office, or shall violate any of the provisions of this act, or shall fail to perform any of the duties hereby imposed upon him, he shall forfeit his office, and shall be fined for each offense not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

If any bank shall knowingly fail to make a report required by law of by the Banking Commissioner within the time designated for the making thereof, or to include therein any matter required by law or by the Banking Commissioner, or fail to publish any report within thirty (30) days after the time when it should have been published, or to pay when due the fees for filing reports, or for an examination of the bank, it shall be subject to a penalty of twenty-five dollars ($25) for each day which it shall be delinquent for the periods respectively mentioned, the aggregate penalty, however, for such offense not to exceed two hundred and fifty dollars ($250).

Every person who, or bank which wilfully makes or transmits a false report or refuses to submit its books, papers, and assets for examination, or any officer of such bank who refuses to be examined under oath touching the concerns of such bank, severally shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

Whenever any such officer, person or bank becomes liable to any penalty imposed by this act and refuses to pay it, or the Banking Commissioner, Deputy Banking Commissioner or any State Bank Examiner becomes liable to any

penalty imposed by this act, the attorney general shall institute a penal action against such delinquent person, bank or officer, in the name of the Commonwealth of Kentucky, in the Franklin Circuit Court, on in the Circuit Court of the county in which such offense is committed, for the recovery of such penalty, and all sums collected in such actions shall be paid into the State Treasury.

If any bank or its officers wilfully refuse after demand by the Banking Commissioner to comply with any of the provisions of this act, the Banking Commissioner shall have power to take charge of its property and assets as provided in Section 16 hereof.

EXAMINATION OF INSOLVENT BANKS.

§ 14. The Banking Commissioner shall examine, or cause to be examined, such banks as may hereafter be placed in the hands of a receiver, as other banks, until its affairs shall be wound up, and a copy of such examination shall be filed with the clerk of the Circuit Court, in the county where such bank in located. The receiver or person in charge of such insolvent bank shall make reports to the Banking Commissioner in the same manner as required in the case of other banks. Any receiver of any insolvent bank who shall fail to comply with the provisions of this section, or who shall refuse to submit the affairs of such bank to an examination as provided by law, or who shall fail to comply with any of the provisions of this act, shall be subject to the same penalties provided for solvent banks and officers so offending.

IMPAIRMENT OF CAPITAL.

§ 15. Whenever it shall appear that the capital stock

of any bank has been impaired, the Banking Commissioner shall notify such bank and each director thereof, to make such impairment good within thirty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the Banking Commissioner immediately to call a special meeting of its stockholders for the purpose of making assessments on its stock sufficient to cover the impairment of its capital, payable in cash. Provided, that such bank may with the consent of the Commissioner reduce its capital to the extent of the impairment, if such reduction will not place its capital below the amount required by law.

WHEN BANKS IN UNSAFE CONDITION—COMMISSIONER TO TAKE CHARGE.

§ 16. If from any examination made as provided in this act, it shall appear that any bank is insolvent or that its capital has become impaired, and is permitted to remain impaired beyond the period allowed by law, it shall be the duty of the Banking Commissioner in person or by his deputy or by a State Bank Examiner immediately to take charge of such bank and all property and effects thereof.

If an Examiner shall find that any bank is pursuing a dangerous and unsafe policy, the Examiner shall call the directors and officers of such institution together and advise them fully of the nature of such objectionable practices, and warn them against a repetition thereof, and shall make a full report to the Banking Commissioner of the practices warned against, and the advice given by him, and thereupon the Banking Commissioner, if he deem it proper, shall, in person or by written notice to each director, require an abandonment or cessation of such objectionable practices or policy, and if his directions are not complied with, he may place a State Bank Examiner in charge of such bank, or he

may adopt such other policy as may in his judgment seem wise and best calculated to bring the institution back to a safe condition. The officers, directors or stockholders of any bank shall have the right forthwith upon his declaring his intention of doing so, to execute to such Commissioner a bond with surety or security approved by him, conditioned to secure the creditors of such bank, and upon the execution of such bond the Banking Commissioner shall leave with, or restore the custody and management of such bank to the officers and directors thereof. The Commissioner may, if he deem necessary, cause a petition to be filed in the Circuit Court of the county where such bank is located, and apply to such court or to the judge thereof when the court is not in session, for the appointment of a receiver of such bank, and thereupon such court or the judge thereof shall set a date for the hearing of the application for the appointment of a receiver, not later than twenty days from the date such motion is made and of which notice shall be served upon the bank. Upon such hearing the parties may be heard by affidavits or upon oral examination in court or before the judge and thereupon the judge shall hear and determine the question of the appointment of such receiver, and if the court shall determine that such action or proposed action of the Commissioner was justified, the court shall appoint a receiver, and shall fix the amount of the bond to be given by him.

SPECIAL DEPUTY—COUNSEL—NOTICE.

§ 17. The Banking Commissioner may, under his hand and an official seal, appoint one or more special Deputy Banking Commissioners, as agent or agents, to assist him in the duty of liquidating and distributing the assets of any insolvent bank, the certificates of appointment to be filed in the office of the Banking Commis-

sioner, and a certified copy in the office of the clerk of the Circuit Court in the county in which the office of such insolvent bank is located.

The Banking Commissioner may, from time to time, authorize a special Deputy Commissioner to perform such duties connected with the liquidation and distribution, as the Banking Commissioner may deem proper. The Banking Commissioner may employ such counsel, and procure such expert assistants and advice as may be necessary in the liquidation and distribution of the assets of such bank, and may retain such officers or employees of such bank as he may deem necessary. He shall require from a special Deputy Commissioner such surety for the faithful discharge of his duties as he may deem proper. Provided, however, it shall not be for a less sum than one-half the assets of the bank.

Whenever, under the provisions of this act, the Banking Commissioner, in person or by a deputy or by a State Bank Examiner, shall take charge of any bank, or the court shall appoint a receiver as in this act is provided, such person shall be allowed for his services not exceeding a sum of two dollars per hour for not exceeding ten hours per day for the time actually engaged by him in labor in the liquidation of the bank. If such person be a special deputy, appointed by the Commissioner, or a receiver, appointed by the court, such allowance shall be paid to him as his compensation, and if such person shall be the Baking Commissioner or his deputy or a State Bank Examiner, the amount so allowed as compensation shall be paid into the State Treasury; and the Commissioner shall fix the compensation of the counsel and any special assistants subject to review by the court, and all such expenses shall be paid out of the bank so liquidated.

Whenever the Banking Commissioner, in person, or by deputy or by State Bank Examiner, shall take charge of any bank under the provisions of this act, he shall, within 30 days thereafter, file in the office of the clerk of the Circuit Court of the county in which the bank is located, a detailed statement in the form prescribed in Section 10 of this act, of the assets and liabilities of such bank, and thereafter upon the first day of the term of each succeeding session of the Circuit Court of such county, and every sixty days in counties having Circuit Courts of continuous sessions, he shall file a report of his acts and doings in the administration of such bank since his last report; and any person, firm or corporation may, by petition addressed to the Circuit Court, have any act of such Commissioner reviewed by the court, in the same manner and with the same rights and powers as would have attached had such Commissioner been a receiver appointed by the court.

The Banking Commissioner shall cause notice to be given by advertisement in such newspapers as such bank's semi-annual reports are published, weekly for three consecutive months, calling on all persons who may have claims against such insolvent bank to present the same to the Banking Commissioner, and make legal proof thereof, at a place and within a time not more than six months after the last date of publication, to be therein specified. He shall mail a copy of such notice to all persons whose names appear as creditors upon the books of such bank. If the Commissioner doubts the justice and validity of any claim, he may reject the same and serve written notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice shall be prima facie evidence thereof, and shall be filed with the Banking Commissioner. An action upon a claim so rejected must be brought within six

months after such notice. Claims presented after the notification of the time fixed in the notice to creditors, shall be entitled to share ratably in the distribution to the extent of the assets in the hands of the Banking Commissioner, equitably applicable thereto.

The assets of any bank in liquidation under this act shall be applied (a) to the payment of costs and charges of liquidation, and preferred claims; (b) to satisfaction of secured claims to the extent of such security; (c) to the satisfaction of all other debts, including unsatisfied balances of secured claims, ratably and without preference to the amount allowed at the time of distribution, and (d) the residue, after all liabilities are paid, shall be distributed for the benefit of the stockholders ratably, or may, on their request, be turned over to them or their agent for settlement.

NOTICE TO BE POSTED.

§ 18. Any bank organized under the laws of this State and subject to the provisions of this act, may place its affairs and assets under the control of the Banking Commissioner, by posting a notice on the front door, as follows: "This bank is in the hands of the Banking Commissioner." The notice must be signed by a majority of the directors in their own handwriting, and they shall forthwith notify the Banking Commissioner, by telegraph, of such act. The posting of such notice, or the taking charge of any such bank by the Banking Commissioner, shall be sufficient to place all its assets and property, of whatever nature, in the possession of the Banking Commissioner.

INFORMATION IN COMMISSIONER'S OFFICE FOR PUBLIC.

§ 19. The Banking Commissioner shall keep in his of-

fice, in a place accessible to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday of each week, a detailed statement, signed by him, or in case of his absence from Frankfort or inability to act, by the Deputy Commissioner in charge, giving the following information with regard to the work of the department since the preceding statement.

(1) The name of every bank that has filed in the Banking Department an application for authorization to commence business, its location, the proposed amount of capital stock and names of incorporators, and the date of filing each application.

(2) Name and location of every bank authorized by the Banking Commissioner to commerce business, its capital, surplus and the date of authorization.

(3) The name of every bank to which a certificate of authorization has been refused by the Banking Commissioner, and the date of notice of refusal.

(4) The date on which a call for report by banks was issued by the Banking Comimssioner, and the date designated as the date with reference to which such reports should be made.

(5) The name and location of every liquidated bank whose creditors or depositors have been paid in full by the Banking Commissioner, and a meeting of whose stockholders shall have been called, together with the date of notice of the meeting and the date of the meeting.

(6) The name and location of every bank subject to

the banking law whose affairs and business shall have been fully liquidated or are in course of liquidation.

(7) The name and location of every bank which has applied for approval of a change of name, and the name proposed.

Every such bulletin, having been posted as aforesaid for one week, shall be placed on the file for such statements, to be kept in the office of the Banking Commissioner. Such statements shall be public documents, and at all reasonable time shall be open to public inspection during the usual office hours.

CERTIFICATE FROM COMMISSIONER NECESSARY FOR THE TRANSACTION OF BANKING BUSINESS.

§ 20. No bank hereafter organized shall transact any business in this State without the written approval and certificate of the Banking Commissioner, stating that it has complied with the provisions of this act, and with all the requirements of the law, and that it is authorized to transact, within this State, the business specified therein, and that the requisite capital has been in good faith subscribed and paid up in cash. The Banking Commissioner shall not authorize any bank to commence business until it appears from an examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in cash.

REPORT OF THE BANKING COMMISSIONER TO GOVERNOR.

§ 21. The Banking Commissioner shall report during the month of June of each year to the Governor, and such report shall be published. It shall set forth the following:

(1) A summary of the condition of every bank organized and doing business under the laws of this State, subject to examination and inspection under this act, and such other information relating to such banks, as, in his judgment, may be useful.

(2) A statement of every bank whose business has been closed during the year, that has failed or voluntarily retired during the year.

(3) The name of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

(4) Any proposed amendment of the laws relating to banks, by which the system, in his judgment, may be improved, and the security of creditors, depositors and stockholders may be increased.

(5) The names and compensation of his assistants and clerks employed in his office, and a classified statement of the amount of the receipts and expenses of the Banking Department during the year.

SEAL OF OFFICE.

§ 22. The Commissioner shall devise a seal, with suitable inscription for the department, a description of which, with a certificate of approval by the Governor, together with an impression thereof, shall be filed in the office of the Secretary of State, and which seal shall thereupon be and become the seal of the Banking Department, and same may be removed whenever necessary.

§ 23. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. Niles offered the following amendments to said bill:

Amend by striking out of Section 5, beginning after the word "office" in line 3 the following words: "The Deputy Banking Commissioner shall not be a member of the same political party as the Banking Commissioner and."

Amend Section 6 by striking out of lines 13 and 14 the following words: "They shall be members of the two dominant parties."

Said amendments were severally adopted.

Ordered that said bill as amended be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed as amended.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	George P. Chinn	John M. Farra
J. M. Bean	Henry Chunn	S. Walton Forgy
Eli Berry	W. Frank Cole	John F. Fryer
A. V. Bertram	Sidney J. Collins	Allie T. Gaines
E. Bishop	W. L. Craig	D. Clarence Gray
H. C. Blades	Elkanah Dickey	T. J. Gregory
John F. Brewer	G. L. Drury	Joe Hall
Wallace Brown	Ben F. Egleston	Elwood Hamilton
Wm. L. Bowling	J. H. Elder	V. D. Hammond
C. W. Burton	Eli Farmer	L. B. Harrington

A. B. Holland	Ben E. Niles	W. H. Shanks
John W. Holland	L. B. Owen	W. Scott Smith
James R. Howell	Luther C. Owings	Adam Spahn
R. Dillard Hunter	A. W. Palmer	John G. Stoll
W. J. Jackson	J. R. Paxton	Henry Thomas
John G. Kelley	William A. Perry	C. B. Thompson
W. E. King	W. V. Perry	E. B. Thompson
William J Kuh	Marion F. Pogue	D. B. Thurman
James A. Leach	John A. Polin	E. B. Wiley
F. A. Lochry	W. A. Price	J. H. Williams
Emanuel Meyer	S. L. Robertson	B. S. Wilson
S. F. Middleton	S. H. Rogers	Edward L. Young
W. N. McCubbin	Robt. H. Scott	Speaker Terrell

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Resolved that the title thereof be as aforesaid.

Mr. Niles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Under and by virtue of the resolution heretofore adopted on this day Mr. Hamilton of the Committee on Suffrage and Elections to which the same had been recommitted reported a bill entitled,

H. B. 25. An act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds, and to control and regulate contributions made for campaign purposes to further the election of any party, party organization or person, and fixing penalties therefor.

Together with sundry amendments heretofore adopted thereto.

(For said bill and all amendments thereto see House Journal, February 6 and 9.)

Mr. Hamilton offered the following substitute for said bill and amendments heretofore adopted thereto.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter any person within ten days after filing his petition for nomination for any political office at any primary election, or any person nominated by petition for an elective office within ten days after filing such petition or certificate of nomination, or who is placed upon the ballot at any general election in any way as now provided by law, shall within ten days thereafter, file with the officer authorized to receive and file such petitions, the names of not less than one nor more than three persons selected to receive, audit and disburse all moneys contributed, donated, subscribed or in any wise furnished or raised for the purpose of aiding or promoting the nomination or election of such candidate, together with the written acceptance and consent of such person to act as such committee, provided that any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose, or may either in the first instance, or within five days after he has received any party nomination, designate the county, city or state committee of his party for such purpose, in which event the maximum number hereinbefore stated, shall not apply. Such person or persons or committee, may act conjointly for any number of counties, or for any number of candidates for different officers on the same ticket. They shall appoint one of their number to act as treasurer. who shall receive and disburse

all moneys received by said committee. He shall keep detailed accounts of all receipts, payments and liabilities; failure to make such declaration or appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have exclusive custody of all moneys contributed, donated, subscribed, or in any wise furnished for or on behalf of the candidates or political party represented by said committee, and shall disburse the same on proper vouchers. If, for any cause a vacancy shall occur in the membership of said committee, prior to the fifteenth day before the holding of said election, the vacancy must be filled by the authority making the original appointment. No vacancy by resignation from said committee or by refusal to act thereon shall occur after the 15th day before the day of holding said election, and until the said committee shall have completed and discharged all the duties required of them by this act. If any vacancy be created by death or any legal disability, subsequent to the 15th day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said committee, as if such vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his election except by contribution to the committee designated by him as aforesaid. Any person who shall act as his own committee, shall be governed by the provision of this act relating to the committees designated by candidate.

§ 2. Within —— days after any election the treasurer of said committee shall file, as hereinafter provided, an itemized statement, showing in detail all of the moneys contributed, donated, subscribed, or in any wise furnished or received to the use of the political party, organized assem-

blage or body, or any or all of the candidates for public office or electors, or for nominations coming under the control of such committee or into their custody directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived, also a statement of all moneys expended. There shall be attached to such statement an affidavit subscribed and sworn to by the treasurer of said committee, setting forth in substance that the statement thus made is in all respects true and that the same is a full and detailed statement of all moneys, securities or equivalents for moneys coming under the control or custody of said committee, and by them expended directly or indirectly. Such statement shall be filed in the same office in which is filed a certificate of their election as such committee and shall become a public document, open to inspection by any citizen.

§ 3. Every candidate who is voted for at any general election or primary held within the State, shall, within twenty days after any general or primary election, file, as hereinafter provided, a statement under oath, showing all moneys paid, loaned, contributed, or otherwise furnished by him in said committee in aid of his election or nomination. Such statement shall give the names of the various persons, if any, who paid, loaned, contributed, or otherwise furnished any moneys to said candidate, either directly or indirectly in aid of his election or nomination. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, which must be substantially in the following form:

State of Kentucky }
County of ..... } ss.

I, ...having been a candidate for

.....office at the election held in the county, city and county, city or other division, State of Kentucky, on the.....day of .....(naming the committee designated by him) do solemnly swear that I have paid the sum of $..... to .....for my expenses at said election, and no more; that except as aforesaid, I have not, nor to the best of my knowledge or belief has any person, committee, club, society, corporation or association, on my behalf, directly or indirectly, made any payment of, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on the account of or in respect of the conduct or management of said election, except such moneys as may have been paid to or expended by the said committee designated by me.

§ 4. If any candidate seeks to avoid the responsibility of payment made by any other person in his behalf, of which he has knowledge, he shall set forth such payment and disclaim responsibility therefor.

§ 5. Candidates for office to be filled by the voters of the State or of any political division thereof, greater than a county, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county in which the election is held and within which the duties of the office, for which the candidate is voted for, are to be exercised. The statement and affidavit of a committee or candidate shall, after being filed, become a public record and open at all times to public inspection.

§ 6. Any candidate who shall refuse or neglect to file or who makes a false statement, received or expended as

prescribed by this act, shall be guilty of a misdemeanor and fined not less than $50, nor more than $2,000, or confined in the county jail for not less than two moths, nor more than twelve months, or both so fined and imprisoned, and shall in addition to the punishment for such offense forfeit any such office to which he may have been elected at the election, in reference to which the statement is requird to be made.

If a candidate elected to a public office, or party position, refuses or neglects to file the statement prescribed by this act, no certificate of election shall be issued to him; neither shall any official bond presented or offered to him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office but shall continue to discharge the duties, and shall receive the emoluments thereof until his successor is legally chosen. If the candidate neglecting or refusing to file the statement or making a false statement of moneys expended, is the incumbent of an office of profit or trust, under the laws of this State, except in the event of a constitutional provision to the contrary, in addition to the punishment prescribed by the laws of this State for such refusal or neglect, or for making such false statement, he shall be deprived of his office and shall also forfeit any office to which he may have been elected at the election, in reference to which the statement is required to be made.

§ 7. Every claim payable by the committee selected under the provisions of section one of this act, on account of or in respect of any expenses incurred in the conduct or management of an election held within this State, or on behalf of the candidates of the political party, organized assemblage or body, which such committee represents, must be presented to the committee within ten days after the general election, and, if not presented, the same shall not be paid,

and no action shall be commenced or maintained thereon. And all expenses incurred as aforesaid, shall be paid within fifteen days after the completion of such official canvass and not otherwise. Any person who makes a payment in contravention of this act shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $1,000 or by confinement in the county jail, not exceeding ninety days, or both such fine and imprisonment.

§ 8. The judge of the circuit court in the county wherein such statement is filed, or is required to be filed, may, on the application of either the committee or a creditor thereof, allow any claim to be presented and paid after the time limited by this act, and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee in the same office as the original statement of the committee. If the committee, upon such application, shall show to the satisfaction of said judge, that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit or to present, within the designated time, a claim, otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness or death of one or more members of said committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or for any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the judge may, after such notice of the application as the judge may require, and upon production of such evidence of the facts stated in the application as shall be satisfactory to the judge, by order allow such statement and affidavit to be filed, or such error or false recital therein be corrected, or such claim be paid as to the judge seems just. And such order shall relieve the applicant from any liability or consequences under this act

in respect to the matters excused by the order. If the application is made by a creditor, the judge may, under like conditions, and upon like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors shall likewise be united in such application and the amount and specification of such claim must be fully stated.

§ 9. Every bill, placard, poster, pamphlet, advertisement, or other printed matter defaming, abusing or criticising any candidate either for his official acts, or in his personal character, or any matter or publication calculated to bring said candidate into disfavor or disrepute whether said publication be false or true, shall bear upon the face thereof, the name and address of such person or committee causing the same to be published, and no payment shall be made or allowed unless such address is so printed. Anyone violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum not exceeding $100 or imprisonment in the county jail not exceeding sixty days, or both so fined and imprisoned.

§ 10. No money shall hereafter be paid, or any expense authorized or incurred by, or on behalf of any candidate for election, to any party position, or for election to any office or any political party organization for any purpose prohibited by the provision of this act. Any person or corporation wilfully violating its provisions shall be fined in any sum not exceeding $1,500.

§ 11. No money shall be paid or expense authorized or incurred by any candidate for election to any office, in excess of the following sums: At any election for Governor, $5,000; for any election to Congress, $5,000; for any election to Railroad Commissioner, $3,000; for any other State of-

fice, including members of the Court of Appeals and other than the Governor, $4,000; for any election to a county office, including members of the Senate and House of Representatives, $250; by any candidate for municipal office, $250, provided, however, that any candidate may expend in his campaign for election to any office, a sum not exceeding fifty per centum of one year's salary of the office which he seeks, provided that nothing herein contained shall authorize personal expenditure by any such candidate, but the sums herein mentioned may be contributed to the designated committee, and expended by them in the manner herein provided. Any candidate violating the provisions of this section shall be punished by a fine not exceeding $1,000 or confinement in the county jail not exceeding twelve months, or both such fine and imprisonment.

§ 12. For the purpose of this act, the expenses or contributions of any ascendant, or descendant, brother, sister, uncle, aunt, nephew, niece of any candidate, or of any official of a corporation, shall be considered as the expenses or contributions of the candidate himself or herself.

§ 13. No candidate for nomination or election to any elective office, including that of United States Senator in Congress when nominated at a primary election, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are defined to be and limited to expenses for the following purposes only:

1. For the candidate's official filing fee.

2. For the circulating and verifying of nomination papers.

3. For the candidate's personal traveling expenses.

4. For rent and necessary furnishings of halls or rooms during such candidacy, for public meetings or for committee headquarters.

5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.

6. For printing and distribution of pamphlets, circulars, newspapers, cards, hand bills, posters and announcements relative to candidates or political issues or principles.

7. For his share of the reasonable compensation of challengers at the polls.

8. For making canvasses of voters.

9. For clerk hire.

10. For conveying infirm or disabled voters to and from the polls.

11. For postage, expressaging, telegraphing and telephoning relative to candidacy.

Any person violating the provisions of this section shall be fined in any sum not exceeding $500.

§ 14. No payment of money shall be made and no expenses shall be incurred by any person in the aid of or for or on behalf of any candidate, or on account of or in respect of the conduct or management of the election held within this State, except by the committee selected under the provisions of section one of this act. All expenses shall be paid only

from the fund in the custody of the said committee so selected as required by this act. Any contract for the payment of money, or any expense incurred, contrary to the provisions of this section, shall be absolutely void.

Any person or corporation violating the provisions of this section shall be fined in a sum not exceeding $200.

§ 15. No person or candidate for nomination or for election to a public office or party position shall pay, lend, or contribute, or offer, or agree to pay, lend or contribute any money or other valuable consideration to or for any person, either for—

(1) The doing or procuring to be done of any act forbidden to be done by the laws of this State relating to primary or general elections; or,

(2) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense; or,

(3) Providing wholly or in part of the expense of boarding, lodging, or maintaining a person at any place or domicile in any election precinct or ward or district, with the purpose of securing the vote of such person for himself, or any other person, at an election held within the State; or,

(4) The hiring or employment of a person to take or maintain a place in, or to otherwise instruct or hinder, or to prevent the forming of the line of voters awaiting their

opportunity or time to enter the polling place of an election precinct; or,

(5) In consideration of any person withdrawing a candidate for public office at any election held within the State; or,

(6) For any purpose in contravention of the provisions of this act; or,

(7) Making any payment after the time limited by this act, unless the same is authorized as provided by this act; or unless it be in satisfaction of a judgment obtained against him, whether before, during or after an election, in respect of or on account of such an election, or who refuses or neglects to file the statement prescribed by section three of this act, or who makes or files a false statement thereof, or who is guilty of any crime against the elective franchise, or of any offense which is punishable by fine or imprisonment, or both, under the provisions of this act shall be punished by fine not exceeding $1,000.

§ 16. No person shall make any payment of his own money, or of the money of any other person, in connection with any nomination or election, in any other name than that of the person who really supplies the money, nor shall any person knowingly receive such money or thing of value, and enter it into his accounts in any other name than the name of the person who really supplies the same; provided, that the money received from the treasurer of any political organization may be so entered. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.

§ 17. No person shall demand, solicit, ask or invite

any payment or contribution for any religious, charitable or other cause or organization supposed to be primarily for the public good from any candidate for office. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.

§ 18. No person, party or organization shall pay any person for loss or damage due to attendance at the polls at any election, or any registry therefor, or for the purpose of such registration. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.

§ 19. It shall be unlawful for any person directly or indirectly, by himself or through any person

(1) To pay, lend or contribute, or offer, to promise to pay, lend or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such person to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election.

(2) To give, offer or promise any office, place or employment, or to promise to procure, or endeavor to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any par-

ticular person or persons. Provided, that this subsection shall not apply where candidates for office shall make agreements to appoint persons or assistants or deputies to or in the office which they seek only, but this shall not in any wise give any candidate for office the right to promise, to procure or to endeavor to procure, or use his influence to procure any other office, either appointive or elective for such persons.

Any candidate for office or nomination who shall violate Subsection 2 of this act, shall, in addition to the penalty hereinafter fixed forfeit his right to any office to which he may have been nominated or elected.

(3) To make any gift, loan, promise, offer, procurement or agreement as aforesaid, to, for or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election.

(4) To procure, or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at such election.

(5) To advance, or pay or cause to be paid any money or other valuable thing, to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

(6) To advance or pay or cause to be paid, any money or other valuable thing to or for the use of any other person,

with the intent that the same, or any part thereof, shall be used for boarding, lodging or maintaining a person at any place or domicile in any election precinct, or ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election.

(7) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for public office.

Any person violating the provisions of this section shall be punished by a fine not exceeding $1,000, nor less than $50, or by confinement in the county jail for not less than one month, nor more than twelve months.

§ 20. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(1) To receive, agree or contract for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons at any election.

(2) To receive any money or other valuable thing during or after an election, on account of himself, or any other person, having voted or refrained from voting for any particular person or persons at such election, or on account of himself, or any other person, having come to the polls or remained away from the polls at such election, or on ac-

count of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come or remain away from the polls at such election.

Any person wilfully violating the provisions of this section shall be punished by fine not exceeding $1,000 nor less than $50, or by confinement in the county jail for not less than one month, nor more than twelve months.

§ 21. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any provisions of such law, shall be guilty of a misdemeanor, and punished by a fine not exceeding $1,000, and confinement in the county jail not exceeding twelve months.

§ 22. A person offending against any provision of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or to prosecution or punishment for the offense with reference to which his testimony is given, and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

§ 23. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or

wager with a voter, or to take a share or interest in, or in any manner become, a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election.

Any person wilfully violating the provisions of this section shall be punished by fine of not less than $50 nor more than $200, confinement in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

§ 24. Every candidate who refuses or neglects to file a statement, as prescribed by this act, shall be deemed guilty of a misdomeanor and shall be fined in a sum not exceeding $1,000, or confinement in the county jail not exceeding one year, or both so fined and imprisoned.

§ 25. Every treasurer of a committee selected under the provisions of this act, who refuses or neglects to file a statement as prescribed by this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000, or by confinement in the county jail not exceeding twelve months.

§ 26. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence, or to inflict, or threaten infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any per-

son, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it shall be unlawful for any person, by abduction, duress, or any forcible device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It shall not be lawful for any employer, in paying his employees the salary or wages due them, to enclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate, or any political mottoes, devices or arguments containing threats, expressed or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer within ninety days of an election, to put up or otherwise exhibit his factory, workshop or other establishment or place where his workmen or employees may be working, any hand bill or placard, containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment shall cease, in whole or in part, or his place or establishment shall be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section shall apply to corporations as well as individuals, and any corporation violating the provisions of this section shall be

guilty of a misdemeanor and punished by fine of not less than $50 nor more than $5,000 and in addition shall forfeit its charter or its right to do business in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than $50, nor more than $1,000, or confined in the county jail for not less than one nor more than twelve months.

§ 27. Every challeger, or inspector, judge or clerk of the election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector, which has been handed in, to be opened or examined previous to putting the same in the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge, clerk or other election officer, has fraudulently or illegally discovered to have been voted for by such elector, shall be deemed guilty of a felony and punished by confinement in the State penitentiary for not less than one year or more than two years.

§ 28. If the Commonwealth's Attorney of any district or county attorney of any county, shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such Commonwealth's Attorney or County Attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any Commonwealth's Attorney or County Attorney shall fail or refuse to faithfully perform any duty imposed upon him by

this act, he shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000 and his office shall be forfeited. It shall be the duty of the Commonwealth's Attorney or the County Attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violations of the provisions of this act. Any citizen may employ an attorney to assist said Commonwealth's Attorney or County Attorney to perform his duties under this act, and such attorney shall be recognized by the said Commonwealth's Attorney and County Attorney as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reason of the Commonwealth's Attorney or County Attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

§ 29. Any person or candidate who shall violate any of the provisions of this act, for which no other penalty is fixed, shall be guilty of a misdemeanor, and punished by a fine not exceeding $1,000, or confinement in the county jail not exceeding twelve months, or both so fined and imprisoned, and in addition to the punishment prescribed by law, forfeit any office to which he may have been elected at the election in reference to which such crime or offense was committed, and if the candidate so offending is the incumbent of an office of profit or trust under the laws of this State, he shall thereby forfeit this office. Any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by or on behalf of a committee selected under the provisions of section one of this

act, and such payment is made for any purpose, which, if the money was expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall have been deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee.

§ 30. Any defeated candidate for nomination or election to office may contest the right of any person to nomination or election on the ground of deliberate, serious and material violation of this act, or any other provision of law relating to nominations and elections. Said proceedure shall be commenced by petition filed in the circuit court of the county in which the contestant resides, and the contest shall be carried on as now provided by law in general elections.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person declared nominated shall have his name printed on the official ballot.

§ 31. When upon the trial of any action or proceedings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental mis-

calculation, or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by any reason of such offense complained of be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

§ 32. Any action under this act, contesting any nomination or election must be commenced within thirty days after the day of the election unless the ground of action is discovered from the statements filed under this act, in which event the action must be commenced within thirty days after such discovery. Any action to annul any nomination or election of any person for offices mentioned in this act must be filed in the circuit court of the county in which the person resides whose right to the nomination, position or office is contested.

§ 33. Any corporation organized under the laws of this State, or doing business in this State, may be brought into the circuit court on the ground of the deliberate, serious and material violation of this act by proceedings begun and continuel in substantially the same form as is required in the case of contesting the nomination or election of ay candidate for public office under this act. The petition shall be filed in the circuit court of the county in which the corporation has its principal office, or in which the violation of this act is averred to have occurred.

If judgment shall be rendered in such proceedings against the corporation, and it shall be found to have violated the said act, judgment shall be awarded against the said corporation in the amount of not exceeding ten thou-

sand dollars, or the said court may forfeit the charter of said company, if it is a company organified under the laws of this State, or it may revoke its authority to do business in this State.

§ 34. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

All acts or parts of acts inconsistent herewith are hereby repealed.

Mr. Howell offered the following substitute to said bill, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter any person filing any petition for nomination for any political party at any primary election or any person nominated by petition for an elective office at the time of filing such petition or certificate of nomination, or who is placed upon the ballot at any general election in any way as now provided by law, shall within ten days thereafter, file with the officer authorized by law to receive and file such petitions, the names of not less than one nor more

moneys contributed, donated, subscribed or in any wise furnished or raised by the candidate for the purpose of aiding or promoting the nomination or election of such candidate, together with the written acceptance and consent of such person to act as such committee, provided that any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose, or may either in the first instance, or within ten days after he has received any party nomination, designate the county, city or state committee of his party for such purpose, in which event the maimxum number hereinbefore stated, shall not apply. Such person or persons, or committee, may act conjointly for any number of counties. They shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee. He shall keep detailed accounts of all receipts, payments and liabilities; failure to make such declaration of appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have exclusive custody of all moneys contributed, donated, subscribed, or in any wise furnished by the candidate or candidates represented by said committee, and shall disburse the same on proper vouchers. If for any cause a vacancy shall occur in the membership of said committee, prior to the 15th day before the day of holding said election, the vacancy must be filled by the authority making the original appointment. No vacancy by resignation from said committee or by refusal to act thereon shall occur after the 15th day before the day of holding said election, and until the said committee shall have completed and discharged all the duties required of them by this act. If any vacancy be created by death or legal disability, subsequent to the 15th day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said comthan three persons selected to receive, audit and disburse all

mittee as if such vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his election except by contribution to the committee designated by him, as aforesaid. Any person who shall act as his own committee, shall be governed by the provision of this act relating to committees designated by candidate.

§ 2. Within twenty days after any election, the treasurer of said committee shall file, as hereinafter provided, an itemized statement, showing in detail all of the moneys contributed, donated, subscribed, or in any wise furnished to said committee for the use of the political party, organized assemblage or body, or any or all the candidates for public office or electors, or for nominations coming under the control of such committee or into their custody directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived, also an itemized statement of all moneys expended. Such statement shall give the name of the various persons to whom such moneys were paid, the specific nature of such item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement, an affidavit subscribed and sworn to by the treasurer of said committee, setting forth in substance that the statement thus made is in all respects true and that the same is a full and detailed statement of all moneys, securities or equivalents for moneys coming under the control or custody of said committee, and by them expended directly or indirectly. Such statement shall be filed in the same office in which is filed a certificate of their selection as such committee and shall become a public document open to inspection by any citizen, and every treasurer of a committee selected under the provisions of this act, who refuses or neglects to

file a statement as prescribed by this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.

§ 3. Every candidate who is voted for at a general election held within the State, shall, within twenty days after any general election, file, as hereinafter provided, a statement, under oath, showing all moneys paid, loaned, contributed, or otherwise furnished by him to said committee in aid of his election or nomination. Such statement shall give the names of the various persons, if any, who paid, loaned, contributed, or otherwise furnished any moneys to said candidate, either directly or indirectly, in aid of his election or nomination. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate which must be substantially in the following form:

State of Kentucky, }
County of . ..... } ss.

I, ... having been a candidate for ..... office at the election held in the county, city and county, city or other division, State of Kentucky, on the .... day of .....(naming the committee designated by him) do solemnly swear that I have paid the sum of $..... to .....for my expenses at said election, and no more; that except as aforesaid, I have not, nor to the best of my knowledge has any person, committee, club, society or association, on my behalf, directly or indirectly, made any payment of, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on the account of or in respect of the conduct or management of said election, except such moneys as may have been paid to or expended by the said committee designated by me.

§ 4. If any candidate seeks to avoid the responsibility of payment made by any other person in his behalf, without his consent or authority, but of which he has knowledge, he shall set forth such payment and disclaim responsibility therefor, and shall not be held responsible nor charged with same.

§ 5. Candidates for office to be filled by the voters of the State or of any political division thereof, greater than a county, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held and within which the duties of the office, for which the candidate is voted for, are to be exercised. The statement and affidavit of a committee or candidate shall, after being filed, become a public record and open at all times to public inspection.

§ 6. Any candidate who shall refuse or neglect to file or makes a false statement received or expended as prescribed by this act, shall be guilty of a misdemeanor and fined not less than $50, nor more than $2,000, and shall in addition to the punishment for such offense forfeit any office to which he may have been elected at the election, in reference to which the statement is required to be made.

If a candidate elected to a public office, or party position, refuses or neglects to file the statement prescribed by this act, no certificate of election shall be issued to him; neither shall any official bond presented or offered by him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office, but shall continue to discharge the duties, and shall receive the emoluments thereof until his successor is legally chosen.

§ 7. Every claim payable by the committee selected under the provisions of section one of this act, on account of or in respect of any expenses incurred in the conduct or management of an election held within this State or on behalf of the candidates of the political party, organized assemblage or body, which such committee represents, must be presented to the committee within ten days after the general election, and if not presented, the same shall not be paid, and no action shall be commenced or maintained thereon. And all expenses incurred, as aforesaid, shall be paid within fifteen days after the completion of such official canvass and not otherwise. Any person who makes a payment in contravention of this act shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $1,000.

§ 8. The judge of the circuit court in the county wherein such statement is filed, or is required to be filed, may, on the application of either the committee or a creditor thereof, allow any claim to be presented and paid after the time limited by this act, and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee in the same office as the original statement of the committee. If the committee, upon such application, shall show to the satisfaction of said judge, that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit or to present, within the designated time, a claim, otherwise just and proper, has been occasioned by the absence or illness of such candidate or by the absence, illness or death of one or more members of said committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or for any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the judge may, after such notice of the applica-

tion as the judge may require, and upon production of such evidence of the facts stated in the application as shall be satisfactory to said judge, by order allow such statement and affidavit to be filed, or such error or false recital therein be corrected, or such claim be paid as to the judge seems just. And such order shall relieve the applicant from any liability or consequences under this act, in respect to the matters excused by the order. If the application is made by a creditor, the judge may, under like conditions, and upon like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors shall be united in such application and the amount and specification of such claim must be fully stated.

§ 9. Every bill, placard, poster, pamphlet, advertisement, or other printed matter, containing any abusive, defamatory or derogatory language, having reference to an election or to any candidate, whether same criticises the official or personal conduct of any candidate, regardless of whether same be true or false, shall bear upon the face thereof, the name and address of such person or committee causing the same to be published, and no payment shall be made or allowed unless such address is so printed. And anyone violating the provision of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding $100 or imprisonment in the county jail not exceeding sixty days, or both so fined or imprisoned.

§ 10. No money shall be paid or expense authorized or incurred by any candidate for nomination or election to any office in each election in excess of the following sums: At any election for State office $5,000; for any election to a county office, including members of the Senate and House of Representatives, $350; by any candidate for municipal office $350, provided, however, that any candidate may ex-

pend in his campaign for election to any office, a sum not exceeding fifty per centum of one year's salary of the office which he seeks, provided that nothing herein contained shall authorize personal expenditure by any such candidate, but the sums herein mentioned may be contributed to the designated committee, and expended by them in the manner herein provided. Any candidate violating the provision of this section shall be punished by fine of not exceeding $1,000.

§ 11. For the purposes of this act, the expenses, or contributions of any relative by blood or marriage, shall be considered as the expenses or contributions of the candidate himself or herself.

§ 12. No person shall make any payment of his own money, or of the money of any other person, in connection with any nomination or election in any other name than that of the person who really supplies such money, nor shall any person knowingly receive such money or thing of value, and enter it into his accounts in any other name than the name of the person who really supplies the same; provided, that the money received from the treasurer of any political organization may be so entered. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.

§ 13. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any provisions of such laws, shall be guilty of a misdemeanor, and punished by a fine not exceeding $1,000 and confinement in the county jail not exceeding twelve months.

§ 14. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in, or in any manner become, a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election.

Any person wilfully violating the provisions of this section shall be punished by fine of not less than $50, nor more than $1,000.

§ 15. It shall not be lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor shall it be lawful for any employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop or other establishment or place where his workmen or employes may be working, any hand bill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well

as individuals, and any corporation violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than $50 nor more than $5,000, and in addition shall forfeit its charter or its right to do business in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than $50 nor more than $1,000.

§ 16. If the Commonwealth's Attorney of any district or county attorney of any county, shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty to forthwith diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such Commonwealth's Attorney or County Attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county.

§ 17. Any defeated candidate for nomination, position or office of the State, or of any political division thereof, may contest the right of any person to nomination, position or office, on the ground of deliberate, serious and material violation of the provision of this act or of any other provisions of law relating to nominations and elections. Said procedure shall be commenced by petition filed in the circuit court of the county in which the candidate whose election is contested resides, and the contest shall be carried on as now provided by law.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.

§ 18. When upon the trial of any action or proceed-

ings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts of his own, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

§ 19. Any action under this act contesting any nomination or election must be commenced within thirty days after the day of the election. Any action to annul any nomination or election of any person for offices mentioned in this act, must be filed in the circuit court of the county in which the person resides whose right to the nomination, position or office is contested.

§ 20. It shall be unlawful for any corporation organized under the laws of this State, or doing business in this State, to contribute, donate, subscribe, loan or in any wise furnish, directly or indirectly, any money or other thing of value for the purpose of aiding or promoting the nomination or election of any candidate and any such corporation may be brought into the circuit court on the ground of the de-

liberate, serious and material violation of this act by proceedings begun and continued by any twenty-five voters of the State or of any political division thereof. The petition shall be filed in the circuit court of the county in which the corporation has its principal office, or in which the violation of this act is averred to have occurred.

If judgment shall be rendered in such proceedings against the corporation, and it shall be found to have violated the said act, judgment shall be awarded against the said corporation in the amount of not exceeding ten thousand dollars, or the said court may forfeit the charter of said company if it is a company organized under the laws of this State, or it may revoke its authority to do business in this State.

§ 21. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to any office made in violation of or contrary to the provisions of this section shall be void.

All acts and parts of acts inconsistent herewith are hereby repealed.

Mr. Scott offered the following amendment to the substitute as proposed by Mr. Hamilton, viz.:

Amend Section 2 of said substitute by striking out in line 1 the words "Within twenty days after" and insert in lieu thereof the words "five days before" and by adding to said section the following: "An amendment to said statement shall be filed in like manner within twenty days after any election."

Mr. Forgy moved that all amendments and substitutes for said bill be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Shanks and Hamilton were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	John F. Fryer	William A. Perry
Thos. M. Bertram	Allie T. Gaines	John A. Polin
C. W. Burton	James R. Howell	S. L. Robertson
Henry Chunn	W. E. King	Adam Spahn
W. L. Craig	William J. Kuh	John G. Stoll
Francis B. Douglas	J. Albert Leach	E. B. Thompson
G. L. Drury	F. A. Lochry	David W. Wiley
John M. Farra	B. J. Matthews	Edward L. Young
S. Walton Forgy	W. F. Parker	—26

Those who voted in the negative were—

Eugene G. Asher	Elkanah Dickey	Elwood Hamilton
A. V. Bertram	Ben F. Egleston	V. D. Hammond
E. Bishop	J. H. Elder	L. B. Herrington
H. C. Blades	Eli Farmer	W. J. Jackson
John F. Brewer	D. Clarence Gray	John G. Kelley
Wallace Brown	T. J. Gregory	James A. Leach
Wm. L. Bowling	Joe Hall	S. F. Middleton
George P. Chinn		R. C. McClure

W. N. McCubbin	W. A. Price	W. Scott Smith
L. B. Owen	Stanley F. Reed	Henry Thomas
Luther C. Owings	S. H. Rogers	C. B. Thompson
A. W. Palmer	Robt. H. Scott	D. B. Thurman
W. V. Perry	W. H. Shanks	Yeaman Watkins
Marion F. Pogue	Walter S. Sinclair	J. H. Williams

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The following pair was announced: Mr. Forgy with Mr. Niles. Mr. Niles if present would vote in the negative and Forgy would vote in the affirmative.

Mr. Forgy moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hamilton and Reed were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	James R. Howell	John A. Polin
A. V. Bertram	W. J. Jackson	S. L. Robertson
Thos. M. Bertram	John G. Kelley	Walter S. Sinclair
C. W. Burton	W. E. King	W. Scott Smith
Henry Chunn	William J. Kuh	Adam Spahn
W. L. Craig	J. Albert Leach	John G. Stoll
Francis B. Douglas	F. A. Lochry	Henry Thomas
Ben F. Egleston	B. J. Matthews	E. B. Thompson
J. H. Elder	R. C. McClure	Yeaman Watkins
Eli Farmer	L. B. Owen	J. H. Williams
John F. Fryer	W. F. Parker	Edward L. Young
Allie T. Gaines	J. R. Paxton	
T. J. Gregory	William A. Perry	

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Those who voted in the negative were—

E. Bishop	John F. Brewer	Wm. L. Bowling
H. C. Blades	Wallace Brown	George P. Chinn

Elkanah Dickey	James A. Leach	S. H. Rogers
D. Clarence Gray	S. F. Middleton	H. A. Schoberth
Joe Hall	W. N. McCubbin	Robt. H. Scott
Elwood Hamilton	Luther C. Owings	W. H. Shanks
V. D. Hammond	A. W. Palmer	C. B. Thompson
L. B. Herrington	W. V. Perry	D. B. Thurman
A. B. Holland	W. A. Price	David W. Wiley
Green R. Keller	Stanley F. Reed	—29

The following pair was announced: Mr. Forgy with Mr. Niles. Mr. Niles if present would vote in the negative and Mr. Forgy would vote in the affirmative.

And then the House adjourned until Friday morning next at 10 o'clock.

FRIDAY, FEBRUARY 23, 1912.

The House was opened with prayer by the Rev. F. W. Eberhardt of the First Baptist Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The House resumed consideration of the unfinished business of Wednesday last, to-wit: a bill entitled,

H. B. 25. An act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds and to control and regulate contributions made for campaign purposes to further the election of any party organization or person, and fixing penalties therefor.

(For said bill and all amendments and substitutes therefor see House Journals, February 6, 9 and 21.)

Mr. Polin offered the following amendments by way of substitute for the bill and all amendments heretofore proposed thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter any person filing any petition for nomination for any political party at any primary election or any person nominated by petition for an elective office at the time of filing such petition or certificate of nomination, or who is placed upon the ballot at any general election in any way as now provided by law, shall within ten days thereafter, file with the officer authorized by law to receive and file such petitions, the names of not less than one nor more than three persons selected to receive, audit and disburse all moneys contributed, donated, subscribed or in any wise furnished or raised by the candidate for the purpose of aiding or promoting the nomination or election of such candidate, together with the written acceptance and consent of such person to act as such person to act as such committee, provided that any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose, or may either in the first instance, or within ten days after he has received any party nomination, designate the county, city or state committee of his party for such purpose, in which event the maximum number hereinbefore stated, shall not apply. Such person or persons, or committee, may act conjointly for any number of counties. They shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee. He shall

keep detailed accounts of all receipts, payments and liabilities; failure to make such declaration of appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have exclusive custody of all moneys contributed, donated, subscribed, or in any wise furnished by the candidate or candidates represented by said committee, and shall disburse the same on proper vouchers. If for any cause a vacancy shall occur in the membership of said committee, prior to the 15th day before the day of holding said election, the vacancy must be filled by the authority making the original appointment. No vacancy by resignation from said committee or by refusal to act thereon shall occur after the 15th day before the day of holding said election, and until the said committee shall have completed and discharged all the duties required of them by this act. If any vacancy be created by death or legal disability, subsequent to the 15th day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said committee as if such vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his election except by contribution to the committee designated by him, as aforesaid. Any person who shall act as his own committee, shall be governed by the provision of this act relating to committees designated by candidate.

§ 2. Within twenty days after any election, the treasurer of said committee shall file, as hereinafter provided, an itemized statement, showing in detail all of the money contributed, subscribed, or in any wise furnished to said committee for the use of the political party, organized assemblage or body, or any or all the candidates for public office or election, or for nominations coming under the con-

trol of such committee or into their custody directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived, also an itemized statement of all moneys expended. Such statement shall give the name of the various persons of whom such were paid, the specific nature of such item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement, an affidavit subscribed and sworn to by the treasurer of said committee, setting forth in substance that the statement thus made is in all respects true and that the same is full and detailed statement of all moneys, securities or equivalents for moneys coming under the control or custody of said committee, and by them expended directly or indirectly. Such statement shall be filed in the same office in which is filed a certificate of their selection as such committee and shall become a public document open to inspection by any citizen, and every treasurer of a committee selected under the provisions of this act, who refuse or neglects to file a statement as prescribed by this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.

§ 3. Every candidate who is voted for at a general election held within the State, shall, within twenty days after any general election, file, as hereinafter provided, a statement, under oath, showing all moneys paid, loaned, contributed, or otherwise furnished by him to said committee in aid of his election or nomination. Such statement shall give the names of the various persons, if any, who paid, loaned, contributed, or otherwise furnished any moneys to said candidate, either directly or indirectly, in aid of his election or nomination. There shall be attached to such

statement an affidavit subscribed and sworn to by such candidate which must be substantially in the following form:

State of Kentucky, }
County of ... . } ss.

I, ... having been a candidate for ..... office at the election held in the county, city and county, city or other division, State of Kentucky, on the ..... day of .....(naming the committee designated by him) do solemnly swear that I have paid the sum $..... to ..... for my expenses at said election, and no more; that except as aforesaid, I have not, nor to the best of my knowledge has any person, committee, club, society or association, on my behalf, directly or indirectly, made any payment of, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on the account of or in respect of the conduct or management of said election, except such moneys as may have been paid to or expended by the said committee designated by me.

§ 4. If any candidate seeks to avoid the responsibility of payment made by any other person in his behalf, without his consent or authority, but of which he has knowledge, he shall set forth such payment and disclaim responsibility therefor, and shall not be held responsible or charged with same.

§ 5. Candidates for office to be filled by the voters of the State or of any political division thereof, greater than a county, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held and within which the duties of the

office, for which the candidate is voted for, are to be exercised. The statement and affidavit of a committee or candidate shall, after being filed, become a public record and open at all times to public inspection.

§ 6. Any candidate who shall refuse or neglect to file or who makes a false statement received or expended as prescribed by this act, shall be guilty of a misdemeanor and fined not less than $50, nor more than $2,000, and shall in addition to the punishment for such offense forfeit any office to which he may have been elected at the election, in reference to which the statement is required to be made.

If a candidate elected to a public office, or party position, refuses or neglects to file the statement prescribed by this act, no certificate of election shall be issued to him; neither shall any official bond presented or offered by him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office but shall continue to discharge the duties, and shall receive the emoluments thereof until his successor is legally chosen.

§ 7. Every claim payable by the committee selected under the provisions of section 1 of this act, on account of or in respect of any expenses incurred in the conduct or management of an election held within this State or on behalf of the candidates of the political party, organized assemblage or body, which such committee represents, must be presented to the committee within ten days after the general election, and if not presented, the same shall not be paid, and no action shall be commenced or maintained thereon.

And all expenses incurred, as aforesaid, shall be paid

within fifteen days after the completion of such official canvass and not otherwise. Any person who makes a payment in contravention of this act shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $1,000.

§ 8. The judge of the circuit court in the county wherein such statement is filed, or is required to be filed, may, on the application of either the committee or a creditor thereof, allow any claim to be presented and paid after the time limited by this act, and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee in the same office as the original statement of the committee. If the committee, upon such application, shall show to the satisfaction of said judge, that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit or to present, within the designated time, a claim, otherwise just, and proper, has been occasioned by the absence or illness of such candidate or by the absence, illness or death of one or more members of said committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or for any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the judge may, after such notice of the application as the judge may require, and upon production of such evidence of the facts stated in the application as shall be satisfactory to said judge, by order allow such statement and affidavit to be filed, or such error or false recital therein be corrected, or such claim be paid as to the judge seems just. Any such order shall relieve the applicant from any liability or consequences under this act in respect to the matters excused by the order. If the application is made by a creditor, the judge may, under like conditions, and upon like showing, order the claim to be paid, and the creditor

shall also be entitled to his costs. The claims of one or more creditors shall be united in such application, and the amount and specifications of such claim must be fully stated.

§ 9. Every bill, placard, poster, pamphlet, advertisement, or other printed matter, containing any abusive, defamatory or derogatory language, having reference to an election or to any candidate, whether same criticises the official or personal conduct of any candidate, regardless of whether same be true or false, shall bear upon the face thereof, the name and address of such person or committee causing the same to be published, and no payment shall be made or allowed unless such address is so printed. And anyone violating the provision of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding $100, or imprisonment in the county jail not exceeding sixty days, or both so fined or imprisoned.

§ 10. No money shall be paid or expense authorized or incurred by any candidate for nomination or election to any office in each election in excess of the following sums: At any election for State office and United States Senator, $10,000, for any election to Congress, $5,000; for any election to a county office, including members of the Senate and House of Representatives, $350; by any candidate for municipal office, $350, provided, however, that any candidate may expend in his campaign for election to any office, a sum not exceeding fifty per centum of one year's salary of the office which he seeks provided that nothing herein contained shall authorize personal expenditure by any such candidate, but the sums herein mentioned may be contributed to the designated committee, and expended by them in the manner herein provided.

Any candidate violating the provision of this section shall be punished by fine of not exceeding $1,000.

§ 11. For the purposes of this act, the expenses, or contributions of any relative by blood or marriage, shall be considered as the expenses or contributions of the candidate himself or herself.

§ 12. No person shall make any payment of his own money, or of the money of any other person, in connection with any nomination or election in any other name than that of the person who really supplies such money, nor shall any person knowingly receive such money or thing of value, and enter it into his accounts in any other name than the name of the person who really supplies the same; provided, that the money received from the treasurer of any political organization may be so entered. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding $1,000.

§ 13. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any provisions of such laws shall be guilty of a misdemeanor, and punished by a fine not exceeding $1,000 and confinement in the county jail not exceeding twelve months.

§ 14. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in, or in any manner become a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency what-

ever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election.

Any person wilfully violating the provisions of this section shall be punished by fine of not less than $50, nor more than $1,000.

§ 15. It shall not be lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor shall it be lawful for any employer, within ninety days of the election, to put up or otherwise exhibit in his factory, workshop or other establishment or place where his workmen or employes may be working, any hand bill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or emplyes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well as individuals, and any corporation violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than $50 nor more than $5,000, and in addition shall forfeit its charter or its right to do business in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor

and punished by fine of not less than $50 nor more than $1,000.

§ 16. If the Commonwealth's Attorney of any district or County Attorney of any county, shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty to forthwith diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such Commonwealth's Attorney or County Attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county.

§ 17. Any defeated candidate for nomination, position or office of the State, or of any political division thereof, may contest the right of any person to nomination, position or office, on the ground of deliberate, serious and material violation of the provision of this act or of any other provisions of law relating to nominations and elections. Said procedure shall be commenced by petition filed in the circuit court of the county in which the candidate whose election is contested resides, and the contest shall be carried on as now provided by law.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.

§ 18. When upon the trial of any action or proceedings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such elec-

tion, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts of his own, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

§ 19. Any action under this act contesting any nomination or election must be commenced within thirty days after the day of the election. Any action to annul any nomination or election of any person for offices mentioned in this act, must be filed in the circuit court of the county in which the person resides whose right to the nomination, position or office is contested.

§ 20. It shall be unlawful for any corporation organized under the laws of this State, or doing business in this State, to contribute, donate, subscribe, loan or in any wise furnish, directly or indirectly, any money or other thing of value for the purpose of aiding or promoting the nomination or election of any candidate and any such corporatin may be brought into the circuit court on the ground of the deliberate, serious and material violation of this act by proceedings begun and continued by any twenty-five voters of the State or of any political division thereof. The petition shall be filed in the circuit court of the county in which

the corporation has its principal office, or in which the violation of this act is averred to have occurred.

If judgment shall be rendered in such proceedings against the corporation, and it shall be found to have violated the said act, judgment shall be awarded against the said corporation in the amount of not exceeding ten thousand dollars, or the said court may forfeit the charter of said company if it is a company organized under the laws of this State, or it may revoke its authority to do business in this State.

§ 21. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office.

A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

All acts or parts of acts inconsistent herewith are hereby repealed.

Said substitute was disagreed to.

Pending the consideration of said bill the hour of 11 o'clock having arrived, the hour for the Special Order of the Day, to-wit: a bill entitled,

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

Mr. Hamilton moved that the consideration of said bill and also H. B. 106, An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs," be postponed until the bill under consideration be disposed of.

Said motion was agreed to.

The amendment heretofore offered by Mr. Scott to the substitute as proposed by Mr. Hamilton to said bill was adopted.

The substitute as proposed by Mr. Hamilton as amended was then adopted. (For said amendment and substitute see House Journal, February 21.)

Mr. Huntsman moved that said bill and all pending substitutes and amendments be recommitted to the Committee on Suffrage and Elections and that the same be ordered to be printed.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Huntsman and Cole were as follows, viz.:

Those who voted in the affirmative were—

George Baker	John F. Fryer	William J. Kuh
C. W. Burton	James R. Howell	J. Albert Leach
W. Frank Cole	Earl C. Huntsman	F. A. Lochry
W. L. Craig	W. E. King	B. J. Matthews

Emanuel Meyer	W. A. Shawler	John G. Stoll
John A. Polin	Walter S. Sinclair	E. B. Thompson

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Those who voted in the negative were—

Robert H. Akin	V. D. Hammond	W. V. Perry
Eugene G. Asher	A. B. Holland	Marion F. Pogue
Eli Berry	John W. Holland	W. A. Price
A. V. Bertram	R. Dillard Hunter	Stanley F. Reed
Thos. M. Bertram	W. J. Jackson	S. L. Robertson
E. Bishop	Green R. Keller	S. H. Rogers
Wallace Brown	Charles H. Knight	H. A. Schoberth
George P. Chinn	James A. Leach	Robt. H. Scott
Elkanah Dickey	Harry J. Meyers	W. H. Shanks
Francis B. Douglas	S. F. Middleton	Adam Spahn
J. H. Elder	R. C. McClure	C. B. Thompson
Eli Farmer	W. N. McCubbin	D. B. Thurman
John M. Farra	Ben E. Niles	Yeaman Watkins
S. Walton Forgy	L. B. Owen	E. B. Wiley
D. Clarence Gray	Luther C. Owings	David W. Wiley
T. J. Gregory	A. W. Palmer	J. H. Williams
Joe Hall	W. F. Parker	B. S. Wilson
Elwood Hamilton	William A. Perry	Charles Yancy

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Ordered that said bill as amended by the amended substitute as aforesaid be engrossed and read the third time.

The provision of the Constitution as to the third reading af said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	William A. Perry	Elwood Hamilton
Eugene G. Asher	W. V. Perry	V. D. Hammond
George Baker	Marion F. Pogue	A. B. Holland
Eli Berry	John A. Polin	John W. Holland
A. V. Bertram	W. A. Price	R. Dillard Hunter
Thos. M. Bertram	Stanley F. Reed	W. J. Jackson
Hiram Brown	S. L. Robertson	Green R. Keller
Wallace Brown	S. H. Rogers	W. E. King
Wm. L. Bowling	H. A. Schoberth	James A. Leach
George P. Chinn	Robt. H. Scott	J. Albert Leach
Henry Chunn	W. H. Shanks	F. A. Lochry
Elkanah Dickey	W. A. Shawler	Hugh Mahin
Francis B. Douglas	C. B. Thompson	S. F. Middleton
J. H. Elder	E. B. Thompson	R. C. McClure
Eli Farmer	D. B. Thurman	W. N. McCubbin
John M. Farra	Yeaman Watkins	Ben E. Niles
S. Walton Forgy	David W. Wiley	L. B. Owen
D. Clarence Gray	B. S. Wilson	Luther C. Owings
T. J. Gregory	Charles Yancy	A. W. Palmer
Joe Hall	Edward L. Young	W. F. Parker

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Those who voted in the negative were—

C. W. Burton	William J. Kuh	Walter S. Sinclair
W. Frank Cole	B. J. Matthews	John G. Stoll
W. L. Craig	Emanuel Meyer	E. B. Wiley
Earl C. Huntsman	Harry J. Meyers	J. H. Williams

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Resolved that the title thereof be as aforesaid.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Forgy moved that H. B. 224 be allowed to hold its position as Special Order from day to day until disposed of.

Said motion was agreed to.

Mr. Huntsman moved that H. B. 28 be allowed to hold its position as Special Order from day to day until disposed of.

Said motion was agreed to.

The House took up for consideration the Special Order of the day, to-wit: H. B. 106. An act to amend an act entitled an act to promote the sheep industry and provide a tax on dogs.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

§ 1. That subsections 1 and 2 of section 68a of the Kentucky Statutes, being a portion of Article 3, Chapter 5, of the Kentucky Statutes, entitled "dogs," be amended by inserting in said section 1, immediately following the word "thereto" in the fourth line the words: "Provided that each housekeeper shall be entitled to one dog, which shall be exempt from taxation," and by inserting in subsection 2 at the beginning of said section these words, "except housekeepers who may have exempt one dog," and by striking from said section the figures "1906" and inserting in lieu thereof, the figures "1912," so that said section when amended shall read as follows:

Each year every dog over four months old shall be listed for taxation as herein provided, either by the owner

or by the assessor in the name of the owner, without fixing any value thereto, Provided that each housekeeper shall be entitled to one dog free from taxation. Provided the owner may, if he desires, affix any value thereto he wishes. Every peson who keeps or harbors a dog or who knowingly permits the keeping or harboring of a dog on his premises, shall, for the purpose of listing and taxation be deemed the owner thereof, and the assessor and his deputies shall ascertain the owner or harborer of each dog in his territory, and list and return the same by magisterial districts. The Auditor shall provide blank spaces in assessors' books and schedules, and the assessor, in listing a dog, shall enter its description upon the schedule, stating the kind, sex, age, color, size and name, if any.

§ 2. Except housekeepers, who may have one dog, the owner of every dog over four months old shall pay a license tax thereon of one dollar. The first assessment under this act shall be made in the year 1912, between the first day of September and the thirty-first day of December. Said license tax shall be due and collectible as other taxes, collected by the Sheriff and reported to the Auditor and paid to the Treasurer, but the Sheriff shall keep said license tax on dogs separate from the other funds, and so report to the Auditor and pay to the Treasurer, and the Treasurer and Auditor shall keep separate accounts of such taxes by counties. The amount collected by license tax on dogs shall be used to indemnify losses by the killing or injuring of sheep by dogs, as herein provided.

Mr. Burton offered the following amendment to said bill:

"Amend by striking out word "dog" in line 14 of

Section 1 and insert in lieu thereof the word "hog." And amend by striking out the word "dog" in line 1 of Section 2 and insert in lieu thereof the word "hog."

Mr. Paxton offered the following amendment to said bill:

Amend Section 1 by inserting at the end of line 14 after the word "tax" the words "save a bitch, which shall be taxed ten dollars."

Mr. Watkins offered the following amendment to said bill:

Amend by adding as an additional section the following words "That no sheep owner who has claims against said fund shall collect any more money per head for sheep killed or injured than the average price or value as listed by said party in the assessor's book of the county wherein his sheep are listed for taxation."

Mr. Middleton offered the following amendment to said bill by way of substitute therefor, viz.:

AN ACT to repeal an act entitled an act to promote the sheep industry and provide a tax on dogs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to promote the sheep industry and provide a tax on dogs," being Chapter 10 and Sections 1 to 10 inclusive of said chapter of the Acts of 1906, approved March 1, 1906, and constituting Sections

351 to 360, inclusive, of Russell's Statutes, be and the same is hereby repealed.

§ 2. This act shall take effect from its passage.

Mr. Clay moved that when the House adjourn finally today it be until Monday next at 12 o'clock, meridian.

Said motion was disagreed to.

Mr. Reed moved that the vote by which the House refused to agree to said motion be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of 1:30 o'clock p. m. having arrived under the rule the House recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

At 3 o'clock the House reconvened and resumed the consideration of a bill entitled,

H. B. 106. An act to amend an act entitled to promote the sheep industry and provide a tax on dogs..

The amendment as offered to said bill by Mr. Burton was disagreed to.

The amendment as offered to said bill by Mr. Paxton was then taken up.

Mr. Hamilton moved that said amendment be laid on the table.

Said motion was agreed to.

Mr. Hamilton moved to reconsider the vote by which the amendment was laid on the table and that said motion lie on the table.

Said motion was agreed to.

And so said bill was rejected.

A message was received from the Governor in writing as follows, viz.:

February 23, 1912.

To the Senate and House of Representatives of Kentucky:

The Commissioners of the Sinking Fund of Kentucky and Herbert Van Arsdale, Chief Engineer of the State Capitol Building and Power Plant, have reported that an appropriation is necessary for proper repairs of the State Capitol Building and the Power Plant, and for the purchase of instruments for use in the Power Plant, which are much needed.

Therefore, I recommend an appropriation of five thousand dollars for necessary repairs of the State Capitol Building and Power Plant, and for the purpose of such additional instruments and equipment as are needed in the proper management of the Power Plant.

The report of the Chief Engineer is respectfully submitted.

JAMES B. MCCREARY,
Governor.

Said communication was read and referred to the Committee on State Capitol.

The House took up for consideration a Special Order of the Day, to-wit: a bill entitled,

H. B. 28. An act to repeal an act entitled an act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of birth and deaths and burial or funeral permits; requiring prompt returns to the Bureau of Vital Staticstics as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Bureau of Vital Statistics as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State, and providing certain penalties," being Chapter 37, and Sections 1 to 25 inclusive of said chapter of the Acts of the General Assembly of the year

1910, approved March 21, 1910, be and the same is hereby repealed.

§ 2. This act shall take effect from its passage.

Together with the amendment to said bill by way of substitute therefor as proposed by the Committee on Public Health.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Amend section four of said act by striking out all of said section and inserting in lieu thereof the following words so that said section when amended shall read as follows:

Sec. 4. That within ninety days after the taking effect of this act, or as soon thereafter as possible, the State Board of Health shall appoint a local registrar, deputy registrar, or both, of Vital Statistics for each registration district in the State, excepting such cities or towns or registration districts as are otherwise provided for.

The said board may, at its discretion, appoint as local registrar or deputy registrar, any registration official under this act, under or person or persons who furnish coffins, who shall serve for the district or districts as designated by said board, any county or city official who shall serve, ex-officio, as the local or deputy registrar of the registration district or districts for which he is appointed.

The term of the office of local and deputy registrar appointed by said board shall be for four years, beginning

with the first day in January of the year in which this act shall take effect, and their successors shall be appointed at least ten days before the expiration of their terms of office.

Any local or deputy registrar, appointed by said board, who fails or neglects to efficiently discharge the duties of his office as laid down in this act, or who fails to make prompt and complete returns of births and deaths as required hereby, shall be forthwith removed from his office by the State Board of Health and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this act, for failure or neglect to perform his duty.

Each local registrar, appointed by said board, shall, immediately, appoint one or more deputies whose duty it shall be to act in his stead in case of absence, illness, or disability, and who shall accept such appointment in writing, which shall be filed in the office of the State Registrar and who shall be subject to all rules and regulations governing the action of local registrars; provided, that in cities or towns where health officers, or secretaries of local boards of health, or other officials, at the date of this act, are officiating as registrars of births and deaths under local ordinances to the satisfaction of the State Registrar, such officers shall be continued as registrars in and for such cities and towns, but shall be subject to the rules and regulations of the State Board of Health, and to all the provisions of this act.

That it shall be the duty of any deputy registrars appointed under the provisions of this act to report promptly any certificates of births or deaths, to the local registrar of the district in which the birth or death occurred; and that it shall be unlawful for any local or deputy registrar, sexton, physican or undertaker to charge a fee to any member

of a family in which a death has occurred, for complying with any of the provisions of this act.

§ 2. Amend section 5 of said act by striking out all of said section and inserting in lieu thereof the following words so that said section when so amended shall read as follows:

Sec. 5. That the body of any person whose death occurs in the State shall not be interred, deposited in a vault, or tomb, cremated or otherwise disposed of, or removed from or into any registration district until a permit for burial, removal or other disposition shall have been promptly issued by the registrars of the registration district in which the death occurs. And no burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of death has been filed with him as hereinafter provided: Provided, That a transit permit issued in accordance with the law and health regulations of the place where death occurred, whether in Kentucky or outside of the State, may be accepted by the local registrar of the district where the body is to be interred or otherwise finally disposed of, as a basis upon which he shall issue a local burial permit, in the same way as if the death occurred in his district, but shall plainly enter on the face of the copy of the record which he shall make for the return to the State Registrar the fact that it was a body shipped in for interment and give the actual place of death. But when a body is removed from a district in Kentucky to another district, the registrar's burial or removal permit from the district where the death occurred may be accepted as authority for burial at the point of destination. Provided, however, that in the event that the death of a person occurs outside of the cities

and incorporated towns, nothing in this act shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required, as prescribed by law, or the State Board of Health shall deem it necessary for the protection of the public health. And it shall be the duty of the undertaker or person acting as such to file with the local registrar or deputy registrar, prior to the interment, a provisional certificate of death which shall contain the name, date and place of death of the deceased and an agreement to furnish within five days a complete and satisfactory certificate of death and it shall be the duty of the undertaker or person acting as such to secure a complete and satisfactory certificate of death as provided in section nine of the act and return it within five days from the date of burial to the local registrar of the district in which the death occurred. And if there be no undertaker, or person who acts as such, then it shall be the duty of the head of the family in which the death occurred to notify, within five days of date of death, the local registrar of the district in which it occurred of the fact of the death. It shall then be the duty of the local registrar to procure, promptly, said certificate of death.

§ 3. That all other laws, parts of laws, inconsistent with the provisions of this act are hereby repealed.

Said substitute was adopted.

Said bill as amended was ordered to be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same

being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	James R. Howell	William A. Perry
Eugene G. Asher	Earl C. Huntsman	Marion F. Pogue
Eli Berry	W. J. Jackson	John A. Polin
Thos. M. Bertram	Green R. Keller	W. A. Price
E. Bishop	W. E. King	Stanley F. Reed
H. C. Blades	Charles H. Knight	S. L. Robertson
Hiram Brown	William J. Kuh	S. H. Rogers
Wallace Brown	James A. Leach	Robt. H. Scott
Wm. L. Bowling	J. Albert Leach	W. H. Shanks
C. W. Burton	B. J. Matthews	Walter S. Sinclair
George P. Chinn	Emanuel Meyer	W. Scott Smith
Henry Chunn	Harry J. Meyers	Adam Spahn
Elkanah Dickey	S. F. Middleton	John G. Stoll
J. H. Elder	R. C. McClure	D. B. Thurman
John M. Farra	W. N. McCubbin	Yeaman Watkins
John F. Fryer	Ben E. Niles	E. B. Wiley
D. Clarence Gray	L. B. Owen	David W. Wiley
T. J. Gregory	A. W. Palmer	J. H. Williams
Joe Hall	W. F. Parker	B. S. Wilson
V. D. Hammond	J. R. Paxton	—59

Those who voted in the negative were—

A. V. Bertram	Eli Farmer	John G. Kelley
W. L. Craig	R. Dillard Hunter	W. A. Shawler
		—6

Resolved that the title thereof be as aforesaid.

Mr. Niles moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Smith of the Committee on Education No. 1, to which the same had been recommitted on a former day, reported a bill entitled,

H. H. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the minimum salary paid the County Superintendent of Schools in this State shall be one thousand dollars, and the maximum salary twenty-five hundred dollars.

It shall be the duty of the Fiscal Court to fix the County Superintendent's salary as now provided by law. In case this salary as fixed by the Fiscal Court, is not equal to the said minimum salary of one thousand dollars, it shall be the duty of the County Board of Education to supplement this sum out of the county school fund, until it equals the said minimum salary named.

§ 2. That the County Superintendent shall be required to give bond only for an amount not to exceed twice the amount of money he shall receive at any installment from the State Treasury.

§ 3. That the County Board of Education be given power to select a person upon nomination of the County Superintendent, who shall be secretary of said board and

assistant superintendent, at a salary not to exceed eight hundred dollars per annum; said salary to be paid out of the county school fund of the county. That County Boards of Education may provide whenever they deem it wise, for the employment of supervisors for the rural schools. That the County Board of education shall be empowered to pay the necessary expenses of the County Superintendent and supervisors of rural schools in the discharge of their official duties.

§ 4. That the third class county teacher's certificate shall be abolished at once, from the date on which this act becomes law, provided that no third class certificate in force when this act becomes a law, shall be invalid until the time of its expiration.

§ 5. That the County Board of Education shall have power to place into one common school fund, the State school fund received from the State Treasury, as is now provided by law, and the fund raised in the county by tax levy, and distribute said common school fund in the county for the purposes of erecting and equipping school buildings, and in the payment of teachers and of such other expenses as are necessary in making an efficient system of schools in the county—provided that no school in the county is taught for a shorter period of time than six school months—one hundred twenty days—and that no salary paid to a teacher in any subdistrict in the county shall be less than thirty-five dollars per month nor more than sixty dollars, except high school teachers, and that salaries between thirty-five dollars and sixty dollars, including the same, shall be based on and regulated by the qualifications of the teacher and the number of children actually in attendance, in proportion to the number enrolled in the school census for the district, graduated in accordance with and conforming to such rules

and regulations governing same as shall be hereafter prescribed by the State Board of Education. The scale of graduation of said salaries shall be reported to and approve by the State Board of Education, and all rules and regulations governing same promulgated by the State Board of Education shall conform to law and the purpose of same shall be to increase the efficiency of the common school system.

§ 6. That the County Board of Education is empowered to lay off a boundary including a number of subdistricts and submit to the voters in that boundary the proposition of a tax sufficient to provide for consolidation of the schools within that boundary and for transportation of pupils to and from said consolidated school.

§ 7. That after January 1, 1914, County Boards of Education in this State shall provide for regular instruction in agriculture and domestic arts and science in the public schools of this State and that it shall be compulsory and that such text books as may be necessary shall be adopted in accordance with the law, providing for the adoption of text books in this State, and the County Superintendents, County Boards of Education, teachers and school officials shall see that the teaching of these studies is properly provided for under the direction and regulations of the State Board of Education.

All laws and parts of laws in conflict with this act are hereby repealed.

Together with the substitute amendment heretofore offered to said bill by Mr. Fryer and the sundry amendments offered to said substitute.

Said substitute and the amendments offered on a former day read as follows, viz.:

By Mr. Pogue:

Amend by adding the following at end of Section 9:

Where in districts so consolidated under existing laws, the trustees or the County Board of Education have provided by local taxation for transporting the pupils of the district to and from the schools, such appropriation and taxation for said purposes of transporting children is hereby validated as if it had been previously expressed in the phase for local school purposes.

By Mr. Wallace Brown:

Amend Section 5 of substitute to House Bill No. 215 by striking therefrom the words, "minimum salary of one thousand dollars," and inserting therefor the words, "Minimum salary of seven hundred dollars."

By Mr. Lochry:

Amend the substitute by striking out the first six lines of Section 6 of the said substitute.

By Mr. Wilson:

Amend substitute to House Bill 215. by adding to Section 9 the following:

That any independent graded school district may extend its boundaries beyond the two and one-half mile limit upon a petition of a majority of the citizens within the boundary so included, provided that the consent of the County Board of Education be first obtained to such extension of boundary and provided further, that all children who reside further than two and one-half miles from the schoolhouse shall be transported to and from said school at the expense of the graded district; but the boundary shall not be so extended beyond a distance of five miles from the schoolhouse.

By Mr. Craig:

Amend Section 1 by striking out $1,000 and insert in lieu thereof $400 in counties having an assessment less than $1,500.

Also amend sy striking out Section 3 in counties having an assessment less than $1,500.

By Mr. McCubbin:

Amendment—

§ 11. That it shall be unlawful for any teacher to teach any subject not in the common school curriculum in regular hours.

§ 12. That all public schools have three trustees for the purpose of employing teachers, but the chairman shall be a member of the Board of the Educational Division. Except in colored schools, whose teachers so hired shall be confirmed by the Educational Board, and the chairman of colored schools shall not be a member of the board.

By Mr. Parker:

Amend House Bill No. 215, Section 5, lines 11 and 12, is hereby amended by striking out ($60) sixty dollars, and inserting in lieu thereof ($70) seventy dollars.

AN ACT to repeal and re-enact as a substitute therefor Article 5, Chapter 113, Kentucky Statutes (Carroll's Edition), 1909, the same being Sections 4399 to 4403, inclusive, of said Kentcuky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Article 5, of Chapter 113, of Carroll's Kentucky Statutes of 1909, the same being Sections 4399 to 4403, inclusive, be and the same are hereby repealed and the following is hereby enacted in lieu thereof:

§ 1. There shall be a County Superintendent of Common Schools in each county of the State who shall be possessed of good moral character and ability to manage the common school interests of the county efficiently. He shall possess a good English education and shall be competent to examine the teachers who shall apply to teach the common schools in the county. He shall be twenty-four years old at the time of qualifying, a citizen of Kentucky, shall have resided two years next preceding the election in this county and one year in the county for which he is a candidate. No person shall be eligible to the office of County Superintendent unless he shall hold from the State Board of Examiners, a State diploma or a State certificate which will not expire during his proposed term of office; or a certificate of qualification which shall in all respects be the equivalent of a State certificate issued by the State Board of Examiners,

on a personal examination held at the State Capitol on the last Friday and Saturday in May and June next preceding the election of County Superintendents. The fee for such an examination shall be five dollars and shall be divided among the members of the State Board of Examiners; the said certificate shall not entitle the holder thereof to teach in the common schools of the State. In counties embracing any city of the first class and maintaining a system of public schools separate and distinct from the common schools of the county, no person shall be eligible to the office of County Superintendent other than a resident of such county outside of such city or town. No person shall be eligible to hold the office of County Superintendent excepting such County Superintendents as are now in office and such persons as have obtained a State diploma or State certificate issued by the State Board of Examiners or a certificate as is herein provided for.

§ 2. No County Judge, Justice of the Peace, Circuit Clerk, County Clerk, County Attorney, County Surveyor, Sheriff, Coroner, Assessor, Trustee of a common school district or a teacher while engaged in teaching in any kind of a school, shall hold the office of County Superintendent and the County Superintendent shall devote his entire time and attention to the duties of his office.

§ 3. The County Superintendent shall be elected by the qualified voters of each county, qualified to vote in all school elections at the regular November election, provided by law and shall hold his office for four years from the first Monday in January following his election or until the election and qualification of his successor. The County Superintendent shall be elected and the vote canvassed and the result certified by the same officers and in the same manner as

in the election of other county officers and within ten days after the election the clerk of the county shall forword a copy of the certificate of election to the Superintendent of Public Instruction. In case of controverted right to the office of County Superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent from among the contestants until the case has been settled; provided, that in counties containing cities of the first or second class, maintaining a system of public schools separate and distinct from the common schools of the county, the County Superintendant shall reside in the portion of the county outside of such city or cities and be elected by the qualified voters of said county residing out of such city or cities.

§ 4. Before entering upon the discharge of his duties each County Superintendent must enter into a covenant before the County Court of the county to the Commonwealth of Kentucky, with sufficient security in not less than an amount which shall not exceed twice the amount of money that he shall receive at any installment from the State Treasury, as common school funds, for the faithful discharge of his duties and the said bond shall be renewed each year. Said bond shall be given in duplicate, one copy to be kept on file in the office of the county clerk and the other to be forwarded by the county clerk to the Superintendent of Public Instruction. It shall be the duty of the county clerk in forwarding the bond made by the County Superintendent at the time of assuming the duties of his office, to also forward to the Superintendent of Public Instruction, a certified copy of the order of the court inducting the said superintendent into office.

§ 5. It shall be the duty of the Fiscal Court to pay to the County Superintendent an annual salary, payable

monthly, of not less than four hundred dollars ($400), after the County Superintendent shall have satisfied the court by a statement subscribed and sworn to by the superintendent, and from such other evidence as may be adduced that he has visited the schools of the county and faithfully executed and performed the duties of his office efficiently and in accordance with law. Said salary shall be paid out of the county levy as the salary of the County Judge is now paid and in his report to the Superintendent of Public Instruction, he shall state the full amount allowed him by the Fiscal Court for his official services and provided that no salary shall be greater than $2,500, and in case the salary fixed by the Fiscal Court is not equal to one thousand dollars, which shall be the minimum salary to be paid to the County Superintendent, it shall be the duty of the County Board of Education to supplement this sum out of the county school fund until it equals the minimum sum of one thousand dollars, provided that the County Board of Education may pay a supplemental salary to the County Superintendent to any amount out of the county school fund not to exceed the maximum sum of $2,500 per annum. The Fiscal Court shall furnish the County Superintendent with a suitable office, free of charge, large enough to accommodate the county teachers' library and the assistants employed in his office.

§ 6. The County Board of Education shall have power to select a person upon the nomination of the County Superintendent, who shall be secretary of said board and assistant superintendent at a salary not to exceed eight hundred dollars per annum, said salary to be paid out of the county school fund of the county. The County Board of Education shall have power to provide, whenever it deems wise, for the employment of supervisors for the rural schools under the supervision of the County Superintend-

ent. The County Board of Education shall have power to pay the necessary expenses of the County Superintendent and the supervisors of rural schools while in the discharge of their official duties.

§ 7. The third class county teachers' certificate shall be abolished at once from the date on which this act becomes a law, provided that no County Superintendent shall abolish any third class certificate now in force, nor until the time of the expiration of said certificate.

§ 8. The County Board of Education shall have power to place into one common school fund the State fund received from the State Treasury as is now provided by law and the fund raised in the county by the levy and distribute said common school fund in the county for the purposes of erecting and equipping school buildings and in the payment of teachers and of such other expenses as are necessary in making an efficient system of schools in the county, provided, that no school in the county is taught for a shorter period of time than six school months, one hundred twenty days, and that no salary paid to a teacher in any subdistrict in the county shall be less than thirty-five dollars per month nor more than sixty dollars, except high school teachers, and that salaries between $35 and $60, including the same, shall be based on and regulated by the qualifications of the teacher and the number of children actually in attendance in proportion to the number enrolled in the school census for the district, graduated in acordance with and conforming to such rules and regulations governing same as shall be hereafter prescribed by the State Board of Education. The scale of graduation of said salaries shall be reported to and approved by the State Board of Education and all rules and regulations governing same promulgated by the State Board of Education shall conform to law

and the purpose of same shall be to increase the efficiency of the common school system.

§ 9. That the County Board of Education is hereby empowered to lay off a boundary including a number of subdistricts and submit to the voters in that boundary the proposition of a tax sufficient to provide for consolidation of the schools within that boundary and for transportation of pupils to and from said consolidated school, and that where subdistricts have already been consolidated according to law, and a tax has already been voted in said consolidated districts for local school expenses, the term "local expenses" shall be construed to include the transportation of children in such cases. Said proposition for taxation may be submitted to the voters at the regular election for school trustees or at any other time decided upon by the County Board of Education, provided that not less than thirty days' notice be given of said election.

§ 10. That after January 1, 1914, County Boards of Education in this Commonwealth shall provide for regular instruction in agriculture and domestic arts and science and the elements of vocal music in the public schools of this State and that it shall be compulsory and that such text books as may be necessary shall be adopted in accordance with the law providing for the adoption of text books in this State, and the County Superintendents, County Board of Education, teachers and school officials shall see that the teaching of these studies is properly provided for under direction and regulations of the State Board of Education.

§ 11. All laws and parts of laws in conflict with this act are hereby repealed.

Said committee offered sundry amendments to said sub-

stitute and recommended that they be adopted in lieu of the amendments heretofore offered to said substitute.

Said amendments as recommended by said committee are as follows, viz.:

1. Amend Section 5, by striking out the words and figures "four hundred dollars ($400)" in Section 5, third line of printed substitute, and insert in lieu thereof the words and figures "six hundred dollars ($600)."

Also amend Section 5, by striking out the words beginning with "and" in line 12 down to and including the words "per annum" in the 20th line of printed substitute.

2. Amend substitute for House Bill No. 215, by striking out entirely Section 6 and substituting the following: "The County Board of Education shall have power to provide, whenever it deems wise for the employment of supervisors for the rural schools under the supervision of the County Superintendent. It shall be the duty of the said supervisors to assist in supervising the rural schools, to act as substitute teachers under the direction of the County Superintendent and to act as truant officer in accordance with the laws governing the attendance of pupils in the rural schools and with such other rules and regulations as may be made according to law by the County Board of Education. The County Board of Education shall have power to pay the necessary expenses of the County Superintendent and the said supervisors of rural schools while in the discharge of official duties.

3. Amend Section 8, by striking out $60 in line 12 of printed substitute and insert $70.

Also amend Section 8, by inserting in the 9th line after the words "one hundred and twenty days," the following, "and that no part of said State fund, received from the State Treasury shall be used except for the payment of teachers' salaries in the county."

4. Amend Section 9, by adding at the end of said section:

"When such a tax is voted in such consolidated district for local school purposes, it shall remain and be collected annually in accordance with the provisions of law, until repealed by vote of the people."

Said amendments were severally agreed to.

Mr. Watkins offered the following amendments to said substitute:

1. Amend by striking out Section 7.

2. Amend by striking out Section 10.

Said amendments were severally agreed to.

Mr. Craig offered the following amendment to said substitute: Amend by adding to Section 5, the following: Provided the provisions of this section shall not apply to counties listing less than one million dollars in taxable property for State and county taxation.

Said amendment was agreed to.

Mr. Wilson offered the following amendment to said substitute: Amend Section 9, by inserting after word

"school" in line 5 the following words, "and may provide in districts consolidated under existing laws by local taxation or otherwise for the transportation of pupils of the district to and from the schools such appropriation and taxation for said purposes of transporting children is hereby validated as if it had been previously expressed in the phrase 'for local taxation.'"

Said amendment was agreed to.

Said substitute as amended was adopted.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed as amended.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Elkanah Dickey	R. Dillard Hunter
Eugene G. Asher	G. L. Drury	Earl C. Huntsman
Eli Berry	J. H. Elder	W. J. Jackson
Thos. M. Bertram	Eli Farmer	Green R. Keller
E. Bishop	John M. Farra	John G. Kelley
H. C. Blades	John F. Fryer	W. E. King
Hiram Brown	D. Clarence Gray	William J. Kuh
Wallace Brown	T. J. Gregory	J. Albert Leach
Wm. L. Bowling	Joe Hall	F. A. Lochry
C. W. Burton	Elwood Hamilton	Hugh Mahin
George P. Chinn	V. D. Hammond	B. J. Matthews
W. L. Craig	James R. Howell	Emanuel Meyer

Harry J. Meyers	William A. Perry	Adam Spahn
S. F. Middleton	Marion F. Pogue	John G. Stoll
R. C. McClure	John A. Polin	D. B. Thurman
W. N. McCubbin	W. A. Price	Yeaman Watkins
Ben E. Niles	Stanley F. Reed	David W. Wiley
L. B. Owen	Robt. H. Scott	J. H. Williams
A. W. Palmer	W. H. Shanks	B. S. Wilson
W. F. Parker	W. A. Shawler	—61
J. R. Paxton	W. Scott Smith	

Those who voted in the negative were—

A. V. Bertram	Henry Chunn	Walter S. Sinclair
	James A. Leach	—4

Resolved that the title thereof be as follows, viz.:

An act to repeal and re-enact as a substitute therefor Article 5, Chapter 113, Kentucky Statutes, Carroll's Edition, 1909, the same being Sections 4399 to 4403, inclusive, of said Kentucky Statutes.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker laid before the House the following communication, viz.:

Frankfort, Ky., February 23, 1912.

Hon. C. B. Terrell,

Speaker of House of Representatives.

Dear Sir:—In response to House Resolution, adopted by your Honorable Body on the 15th inst., and which was

delivered to this office on the 16th, I beg to submit the following statement in reply thereto observing the same order of that contained in the resolution.

(A)—"The number of street railways in Kentucky" —10 street railway companies, valuation $13,298,422. (This includes only those street railways which show by their reports to this office that they have a taxable franchise value, and are assessed by the Board of Valuation and Assessment. The only corporations of this character which are indicated by names. There may be others, if so, they are included in corporations shown below.)

(B)—"The number of electric and water companies in Kentucky and the taxable value thereof"—63 electric, water, gas and heating companies, valuation $10,543,960.

(C)—"The number of interurban railways and express companies in Kentucky and the taxable value thereof"—6 interurban railways and express companies, valuation $1,-754,403. (This includes only those interurban railways which show by their report to this office that they have a taxable franchise value, and are assessed by the Board of Valuation and Assessment. The only corporations of this charater indicated by their names. There may be others, if so, they are included in corporations shown below.)

(D)—"The number of telephone and telegraph companies in Kentucky and the taxable value thereof"—72 telephone and telegraph companies, valuation $6,463,287.

(E)—"The number and taxable value of all other utility companies in Kentucky not above named and their aggregate taxable value"—86 other public service corporations, including railroads which are not included in the

above, valuation $59,059,332. (In the above mentioned corporations shown under A, B, C, D and E, only those are included which have a taxable franchise value. There are about 430 corporations reporting to this office under Section 4077, Carroll's Statutes, but a majority of these are small mutual telephone companies which are operated solely for the convenience of their patrons, and are always at a loss. Such companies are passed upon by the Board of Valuation and Assessment and are marked "No franchise." There are other companies which show the same conditions, and of course, cannot be included in the number of corporations or in the valuations as shown above.)

In answer to the last paragraph of the resolution, I will state that other companies assessed by the Board of Valuation and Assessment are as follows:

1st—Banks and trust companies, as provided by Section 4092—647 banks and trust companies, valuation $42,159,931.

2d—Other corporations paying a corporation license tax as provided in Section 4189—3,331 of such corporations, valuation $315,548,766.

3d—Distilled spirits in bonded warehouses as provided in Section 4165. The amount of tax collected from this source during the last fiscal year amounted to $145,730.71. There is no way or means of ascertaining the valuation of this item.

Which is respectfully submitted,

H. M. Bosworth,

Auditor of Public Accounts.

Mr. Niles moved that said communication be ordered to be printed.

Said motion was agreed to.

Mr. W. A. Perry moved that the rules be suspended and that a bill entitled,

H. B. 265. An act to amend and re-enact certain sections of the tenement house law of March 21, 1910.

Be made the Special Order of the Day for tomorrow at 11:30 o'clock.

Said motion was agreed to.

Mr. Lochry moved that the rules be suspended and that a bill entitled,

H. B. 203. An act to regulate the sale of opium and its alkaloidal salts or their derivatives or of any admixture thereof.

Be made the Special Order of the Day for Thursday next, the 29th inst, at 11 o'clock.

Said motion was agreed to.

Mr. Lochry moved that the rules be suspended and that a bill entitled,

H. B. 209. An act for the benefit of the Attorney General's office allowing $1,200 annually for addition clerk hire.

Be made the Special Order of the Day for Tuesday next, the 27th instant, at 11:30 o'clock.

Said motion was agreed to.

Mr. Price moved that the rules be suspended and that a bill entitled,

H. B. 61. An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

Be made the Special Order of the Day for Tuesday next at 12:30 o'clock, p. m.

Said motion was agreed to.

Mr. Niles moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, FEBRUARY 24, 1912.

The House was opened with prayer by the Rev. F. W. Eberhardt of the First Baptist Church of the City of Frankfort.

The Journal of yesterday's proceedings was read and approved.

The hour of 11 o'clock having arrived,

The House took up for consideration the Special Order of the Day for that hour to-wit: a bill entitled,

H. B. 265. An act to amend and re-enact certain sections of the Tenement House Law of March 21, 1910.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 2, 3, 6, 8, 9, 11, 17, 18, 21, 23, 26, 27, 29, 30, 36, 37, 41, 52, 53, 54, 62 and 74 of an act entitled "An act concerning tenement houses, apartment houses and flat houses in cities of the first class, and relating to their construction, reconstruction, alteration, maintenance sanitation, inspection, protection, safety, control and regulation, and providing penalties for violations of this act," approved March 21, 1910, be, and the same are, hereby amended and re-enacted so that said sections as amended shall read as follows:

"Section 2. DEFINITIONS.—Certain words and terms in this act are defined for the purposes thereof as follows:

"1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person.

"2. A 'tenement house' is any house or building, or portion thereof, in a city of the first class, which is rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged or designed to be occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yard, cellar, water closets or privies, or some of them, and includes apartment houses and flat houses in cities of the first class.

"3. A 'yard' is an open, unoccupied space on the same lot with a tenement house, between the extreme rear enclosing wall of the house and the extreme rear line of the lot.

"4. A 'court' is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court, not extending to a street, alley or yard, is an inner court. A court extending to a street only, is a street court. A court extending to a yard or alley only, is a yard court. A court extending through from street to yard or alley, is a through court.

"5. A 'shaft' includes exterior and interior shafts,

whether for air, light, elevator, dumbwaiter or any other purpose.

"6. A 'public hall' is a hall, corridor or passageway not within an apartment.

"7. A 'stair hall' includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

"8. A 'basement' is a story partly, but not more than one-half, below the level of the curb, and a 'cellar' is a story more than one-half, below the level of the curb.

"9. An 'apartment' is a room or suite of two or more rooms used or intended to be used as the home of one family or household of two or more persons.

"10. By a 'corner lot,' as used in this act, is meant a lot abutting on two intersecting streets, or a street and an intersecting highway or public alley not less than twenty feet wide measured between the property lines.

"11. The word 'nuisance,' in this act, shall be held to embrace a public nuisance, as known at common law or in equity jurisprudence; and it is hereby further enacted that whatever is dangerous to human life or detrimental to health in, under, over, around or about a tenement house; whatever tenement house, or part thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof; whatever tenement house, or part thereof, is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to the intended or actual use and whatever ren-

ders the air or human food or drink therein unwholesome, are also severally, in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

"12. The word 'shall' is always mandatory, and not directory, and denotes that the house shall be made and maintained, in all respects, according to this act, as long as it continues to be a tenement house.

"13. Wherever the words 'charter,' 'ordinance,' 'regulations,' 'department of buildings,' 'building department,' 'health department,' 'department of health,' 'department charged with the enforcement of this act,' 'city attorney,' 'corporation counsel,' 'city treasury,' or 'fire limits' occur in this act they shall be coustrued as if followed by the words 'of the city of the first class in which the tenement house is situated.' Wherever the words 'is occupied' are used in this act, applying to a building, such words shall be construed as if followed by the words 'or is intended, arranged or designed to be occupied.'

"14. The 'height' of a tenement house is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken through the center of the facade of the house. Where, however, the curb level is lower or higher than the level of the grade or ground immediately about the walls of a tenement house, the measurements prescribed by this act shall be taken from said grade or ground, instead of from the curb level. Where a street adjacent to or ground immediately surrounding a tenement house varies, the mean average grade of such street or ground shall be regarded as the grade or level within the meaning of this

act. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade.

"15. 'Supplementary windows' are windows added in addition to those required by the provisions of this act, and which need not, therefore, comply therewith.

"16. The words 'business purposes' as used in this act include all purposes other than living purposes.

"17. An 'alcove' is a recess connected with or at the side of a large room. The floor of such alcove shall be counted as a part of the floor area, and its cubic contents as a part of the cubic contents of the room with which it is connected.

"18. Where a building is erected or is to be erected on a corner lot, the owner may designate what he intends to regard as the rear of such house or lot, and shall treat the building and lot for all purposes mentioned herein accordingly.

"19. On 'air intake' is a passageway connecting an inner court with a street, alley, yard or court.

"20. A 'habitable room' as used in this act is a room which can be used for sleeping or living purposes, and does not include such entry halls, closets, kitchens, kitchenetts or store rooms which by reason of their size or arrangement cannot be used for sleeping or living rooms for any considerable period of the day or night.

"Section 3. BUILDINGS CONVERTED OR ALTERED.—A build-

ing, not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected; except that the provisions of this act as to the minimum dimensions of courts and yards may be modified where old residences are so converted or altered; but such buildings shall not be occupied as tenement houses without a special permit granted by both the Building and the Health Departments.

"Section 6. TIME OF COMPLIANCE.—All improvements, specially required by this act in or upon tenement houses erected prior to the date of its passage, shall be made before August 1, 1912.

"Section 8. YARDS.—Where there is a yard behind a tenement house, the depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are three stories in height inclusive of basment, but exclusive of cellar, the yard shall not be less than fifteen feet in depth in every part. Said yard shall be increased one foot for every additional story or fraction thereof; and may be decreased in depth one foot for every story less than three stories in height but it shall never be less than twelve feet in any part, except that where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley measured between the property lines; and except that, where there is a store on the first story, and that store is, or is intended to be, occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams, provided that the roof of said store is properly drained and

finished with granitoid or some other roofing susceptible of being cleaned and swept and made accessible to a janitor. But where there are no windows, other than water-closet, bath room or supplementary windows opening upon a yard, such yard may have six feet as its minimum width, which shall be increased one foot for every additional story above three stories and a basement in height that such house is increased. Where there are no windows in the rear of a tenement house, no yard shall be required.

"Section 9. COURTS.—In case of any tenement house hereafter erected, the sizes of courts upon which windows required by this act shall open shall be as follows: The width of all inner courts whose walls are not more than three stories in height, inclusive of basement, but exclusive of cellar, shall never be less than ten feet in any part, and the area shall never be less than two hundred square feet; and for every additional story, said width shall be increased at least one foot and said area shall be increased at least twenty square feet. The width of all through, yard and street courts shall never be less than the minimum prescribed for inner courts except that a yard or street court which is less than ten feet in depth may have a width of less than ten feet, provided that such width is never less than one-half the depth of said court. Where, however, an adjoining owner agrees of record to leave open and unoccupied a given space on his property immediately adjoining such court, and to treat such open space in all respects required by this act as a court and as a part of either lot, such space so left vacant and open may be included in determining the size of any court of which it thereby becomes a part. Where any court extends for its full length parallel with, and adjoining, a public alley or street, the owner of such court may treat the width of such alley or street as a part of the width of

such court as prescribed by this section. But where no windows, other than watercloset, bath room or supplementary windows open upon a through, yard or street court, the minimum width of such court may be four feet. But no court shall be required on that side of a tenement house on which no windows are situated.

"Section 11. AIR INTAKES.—Every inner court shall be provided with one or more horizontal air-intakes at the bottom. Each such air-intake shall always communicate directly with the street, yard or alley, and shall consist of a fireproof passage way not less than thirty-five feet in area of cross section, which shall be left open and unobstructed, except that it may be closed by grills which shall not diminish its area more than ten per cent. A communication with a street, yard or alley by means of a court of the dimensions prescribed by this act shall be deemed a sufficient compliance with this section.

"Section 17. ROOMS, SIZE OF.—In every tenement house hereafter erected all habitable rooms shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and fifty square feet of floor area, and each other room shall contain at least eighty-four square feet of floor area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling; provided, however, that an attic room, if habitable need be nine feet high in but one-half of its area, provided there are not less than seven hundred and fifty cubic feet or air space therein.

"Section 18. ALCOVES AND ALCOVE ROOMS.—In a tenement house hereafter erected, an alcove in any room shall be separately lighted and ventilated, as provided for rooms in the foregoing sections, and shall not be less than eighty

square feet in floor area except an alcove that has a floor area of not to exceed thirty-five square feet, and that has an unobstructed opening equal in area to twenty per cent of its entire wall surface into an adjoining room; provided that in constructing additional habitable rooms by raising or altering existing one story dwellings, the limitation of the floor area of an alcove may be disregarded, provided that such alcove has an unobstructed opening equal to the floor area of such alcove, into an adjoining habitable room. This section shall not be construed as forbidding the erection of portieres or other decorative effects projecting not more than eighteen inches from the plane of the wall of a habitable room. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room, so enclosed or subdivided, shall contain a separate window as herein required, and shall have a floor area of not less than eighty square feet, except as heretofore provided in this section.

"Section 21. PUBLIC HALLS.—In every tenement house hereafter erected, every public hall, shall have, at each story, at least one window opening directly upon the street or alley, or upon a yard or court whose opposite wall or boundary is not less than ten feet from said window. Such window shall be so placed at the end of the hall, that light may pass directly to the opposite end of the hall, or else there shall be at the side of the hall at least one such window in every twenty feet in length, or fraction thereof of such hall, except in so much of any public entrance hall as lies between the entrance to the building and the flight of stairs nearest the entrance, provided the entrance door contains not less than five square feet of glazed surface. Any part of a public

hall which is shut off from any other part by a door or doors shall be deemed a separate hall within the meaning of this section. But where there is a system of artificial lighting and ventilation, which is in the opinion of the Health Department adequate to properly light and ventilate said hall, the windows required in this and the two following sections may be omitted.

"Section 23. WINDOWS FOR STAIR HALLS, SIZE OF.—In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall, which window shall be at least two and a half feet wide and five feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such window. Such window or door shall open upon a street, yard or court whose opposite wall or boundary is not less than four feet from said window or door; or upon a shaft of the minimum area herein provided, to-wit: Where the building is three stories or less in height, the area of the shaft shall be at least sixteen feet, and for each additional story the area shall be increased by four square feet.

"Section 26. CELLARS, DAMP-PROOFING AND LIGHTING.—In every tenement house hereafter erected, adequate precautions shall be taken to prevent dampness in all cellars and basements by the use of cement floors throughout, and further by the damp-proofing of the walls and floors throughout whenever the nature of the soil is such as to make such damp-proofing necessary. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

"Section 27. SHAFTS, COURTS, AREAS AND YARDS.—In

every tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement or cellar floor level shall extend six inches below the floor level of said basement or cellar. In every tenement house hereafter erected all shafts, courts, areas and yards shall be properly graded and drained, and all shafts, courts and areas shall be paved.

"Section 29. WATER-CLOSET ACCOMODATIONS.—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, except that where there are apartments consisting of only one or two rooms, there shall be at least one public water-closet for every two apartments. Each such water-closet shall be placed in a compartment completely separated from every other water-closet, but a bath room may be in the same compartment and such compartment shall not be less than three feet wide, and shall be enclosed with plastered partitions, which shall extend to the ceiling. Every such compartment shall have a window opening upon a street or alley, or upon a court at least four feet wide, or upon a yard at least six feet wide except that where there is an adequate system of forced or induced ventilation said compartment may open upon a shaft. When, however, such water-closet compartment is lighted and ventilated by a skylight over it, no window shall be necessary, provided that the roof of such skylight contains at least three square feet of glazed surface, and is arranged so as to open readily. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four

square feet. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, stone or some other water-proof material, laid as smooth as possible and such water-proofing shall extend at least six inches above the floor except at the door so that said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixture shall be enclosed with any woodwork. Nothing in this section in regard to the separation of water-closet compartments shall apply to a general toilet room containing several water closets, provided that such water-closets are supplementary to the water-closet accommodations required by this act. Except as in this section otherwise provided, such water-closet and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

"Section 30. SEWER CONNECTION.—Except as hereinafter provided, no tenement house shall be hereafter erected on any street unless there is a public sewer therein or a private sewer connection directly with a public sewer. Except as hereinafter provided, no cesspool or privy vault or similar means of sewerage disposal shall be used in conection with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied. Provided, however, that a tenement house may be erected on a street where no sewer connection is possible upon a permit issued by both the Building and the Health Departments if in their opinion adequate and sanitary means of sewerage disposal are provided by the owner of the lot on which such house is proposed to be erected.

"Section 36. ROOMS, LIGHTING AND VENTILATION OF.—No tenement house shall be so altered that any room or pub-

lic hall or stairs shall have its light or ventilation diminished in any way not approved by the Health Department.

"Section 37. ALCOVES AND ALCOVE ROOMS.—No part of any room in a tenement house shall hereafter be inclosed or subdivided, wholly or in part, by a curtain, portieres, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by Section 18 of this act, and have a floor area of not less than eighty square feet, except as otherwise provided by Section 18 of this act.

"Section 41. PUBLIC HALLS, LIGHTING AT NIGHT.—In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all the other floors and stair halls of said house from sunset until ten o'clock in the evening.

"Section 52. WALL PAPER.—Except as hereinafter provided, no wall paper shall be placed upon a wall or ceiling of any tenement house, unless all wall paper shall be first removed therefrom, and such wall and ceiling be thoroughly cleaned. But the Health Department may upon application from the owner and after inspection of such house, where such department is convinced that it is not necessary to the sanitary improvement thereof that the foregoing provision be complied with, issue a permit excusing compliance therewith.

"Section 53. RECEPTACLE FOR ASHES, GARBAGE AND RUBBISH.—The owner of every tenement house shall provide for said building proper and suitable conveniences or

receptacles for ashes, rubbish, garbage, refuse and other matter. Any person placing such ashes, rubbish, garbage, refuse or other matter in the yards, adjoining or connected with or appurtenant to any tenement house, or in any part of such house, except in suitable receptacles provided therefor, and any person wrongfully removing a receptacle so provided, shall be subject to a fine for each offense of not less than five dollars, nor more than twenty-five dollars.

"Section 54. PROHIBITED USES.—No horse, cow, calf, sheep, goat or chickens shall be kept in a tenement house, or on the same lot or premises thereof within less than twenty-five feet of any part or portion of said house and no swine shall be kept in a tenement house or on the same lot or premises; and no tenement house, or the lot or premises thereof, shall be used for a lodging house for transients, or for the storage or handling or rags, or as a place of public assemblage, or as a place of assignation or prostitution.

"Section 62. FIRE ESCAPES AND FIRE-PROOFING OF BUILDINGS.—Every tenement house hereafter erected, over two stories and a basement in height, and every building hereafter altered for use as a tenement house, over two stories and a basement in height, shall be equipped and kept equipped with such fire escapes for each floor as shall be deemed adequate by the building department. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire escapes. Every tenement house hereafter erected, over three stories and a basement in height and every non-fireproof building hereafter altered for use as a tenement house over three stories and a basement in height shall be of fireproof construction.

"Section 74. PENALTIES AND VIOLATIONS.—Except as otherwise provided in Section 53 of this act, every person who shall violate or assist in the violation of any provision of this act, shall be fined not less than ten dollars nor more than twenty-five dollars for each offense, and each and every day after the expiration of the notice prescribed by this act that said violation is allowed to continue shall be considered an additional offense. Such person or persons shall also be liable for all costs, expenses and disbursements paid or incurred by said departments, or by any of the officers thereof, in the removal of any nuisance or violation. The existence of any nuisance or violation of this act in or upon the property, shall subject said property to the fines and penalties herein prescribed upon the institution of the proper proceeding against said property or its owner."

§ 2. Because of the amount of building going on in cities of the first class, affected by the provisions of this act, an emergency is declared to exist, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	Hiram Brown	C. W. Burton
Eli Berry	Wallace Brown	Henry Chunn
A. V. Bertram	Wm. L. Bowling	W. Frank Cole

Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
B. J. Matthews
Emanuel Meyer
S. F. Middleton
R. C. McClure
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
D. B. Thurman
E. B. Wiley
David W. Wiley
B. S. Wilson
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Resolved that the title thereof be as aforesaid.

Mr. W. A. Perry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Hammond of the Committee on Agriculture:

H. B. 165. An act for the promotion of demonstration work in agriculture and horticulture among the negroes providing for industrial institutes and appropriating annually $5,000 therefor.

By same:

H. B. 489. An act to prevent the destruction of game in Kentucky.

By same:

H. B. 468. An act to protect drivers of stock on the public highways of this Commonwealth where the stock law is in force.

By Mr. Hunter of the Committee on Claims:

S. B. 110. An act for the benefit of Mrs. Wm. Cromwell.

By same:

H. B. 384. An act for the benefit of B. F. Welch, Arnold Bechial and Thomas Rarden.

By Mr. Polin of the Committee on Circuit Courts:

H. B. 459. An act to create the 10th Circuit Judicial District so as to include Metcalfe County in said district.

Together with an amendment thereto by way of substitute therefor.

By same:

H. B. 471. An act to amend so much of Section 965 of Carroll's Kentucky Statutes as regulates the time of holding the terms of the Circuit Courts in the Third Circuit Court District and provides for the time of holding same.

By same:

S. B. 48. An act to amend and re-enact Sections 2241 and 2242, Kentucky Statutes.

By Mr. Thurman of the Committee on Criminal Law:

H. B. 422. An act to prohibit the use and sale of tobaccos in the State of Kentucky.

By same:

H. B. 381. An act to amend and re-enact Section 131, Subdivision 2, Article 4, of Chapter 182, Kentucky Statutes.

By Mr. Kelly of the Committee on Cities of the Fifth Class:

H. B. 377. An act to amend and re-enact Section 3643, of the Kentucky Statutes, relating to public ways and sidewalks in cities of the fifth class.

By Mr. Yancy of the Committee on Confederate Home:

H. B. 488. An act to authorize the Governor to appoint a commission of five veterans to attend the 50th anniversary of the battle of Gettysburg to be held on the battle grounds July 1, 2, 3 and 4, 1913.

By Mr. Spahn of the Committee on Immigration and Labor:

H. B. 451. An act relating to the protection of employees on buildings and providing punishment for violation thereof.

By Mr. Howell of the Committee on Insurance—Fire:

H. B. 498. An act to amend Section 699, Ky. Statutes, relating to re-insurance in unauthorized companies.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 135. An act to amend an act providing for fiscal courts in the Commonwealth of Kentucky which was approved Oct. 17, 1892, and as same has since been amended, all of which and amendments now appear in Article 1, Chapter 52 of John D. Carroll's Edition of the Ky. Statutes for the year 1909.

By same:

H. B. 509. An act concerning assignments for benefit of creditors.

With sundry amendments thereto.

By same:

H. B. 160. An act to elevate and regulate the qualification and fitness of County Assessors.

By same:

S. B. 75. An act to prevent sweating process of prisoners arrested charged with crime and to prevent the admission as evidence of confessions obtained by such process in the State of Kentucky.

By same:

H. B. 441. An act allowing bail pending appeal to the

Court of Appeals in all felony cases except cases where the jury has fixed the punishment at death or confinement in the penitentiary for life.

By same:

S. B. 210. An act ceding jurisdiction of the Commonwealth of Kentucky over certain lands to the United States of America, upon the establishment of the Mammoth Cave National Park.

By Mr. Wilson of the Committee on Kentucky Statutes:

H. B. 465. An act to amend and re-enact Section 1742 of the Kentucky Statutes, relating to fees and repealing all laws or parts of laws in conflict therewith.

By same:

H. B. 450. An act to amend Section 1490, of the Ky. Statutes, Carroll's Edition, 1909.

By same:

H. B. 501. Act to provide for the employment of common school teachers by the County Board of Education.

By Mr. Bean of the Committee on Juvenile Courts and Children's Home:

H. B. 438. An act to amend an act entitled, "An act to regulate child labor."

By Mr. Berry of the Committee on Municipalities:

S. B. 28. An act to amend an act entitled, "An act to

amend Sections 124 and 125 of an act entitled, 'An act for the government of cities of the first class,' approved July 1, 1893,'' approved March 21, 1902.

By same:

H. B. 482. An act to amend an act entitled ''An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.''

By Mr. Farra of the Committee on Public Roads and Highways:

H. B. 347. An act to aid and promote the building of good roads in the State of Kentucky and to direct the transfer of any stock or other interest owned by the State of Kentucky in turnpike companies or toll roads to any county that may purchase or condemn said roads and operate same as free roads.

By same:

H. B. 97. An act to amend Section 4313, Kentucky Statutes, Chapter 110, entitled Roads and Passways.

By same:

H. B. 500. An act to amend Section 4301, Kentucky Statutes, said section being entitled therein ''Places where roads shall not be established.''

By same:

S. B. 3. An act to create and establish a department of

public roads and a system of public State roads and to provide for the maintenance thereof.

By same:

S. B. 4. An act defining public roads providing for their establishment, regulation and construction and use and maintenance, creating the office of Road Engineer and prescribing the duties thereof.

By Mr. Berry of the Committee on Public Utilities:

H. B. 479. An act providing for prevention of the waste of natural gas in Kentucky.

By Mr. Egleston of the Committee on Public Warehouses and Granaries:

H. B. 469. An act to compel warehousemen and samplers to pay for samples of tobacco taken from hogsheads and other packages.

By Mr. L. B. Owen of the Committee on Revenue and Taxation:

H. B. 268. An act to provide for the assessment and the collection of a specific tax upon the class of credits founded upon and evidenced by mortgages and liens upon real property and to repeal all acts and parts of acts in contravention thereto.

By Mr. Paxton of the Committee on Redistricting—Legislative:

H. B. 67. An act dividing the State line into 38 Senatorial Districts.

By same:

H. B. 159. An act dividing the State into one hundred Representative Districts.

By Mr. Douglas of the Committee on State Capitol:

H. B. 243. An act to amend Subsection 4618b, Chapter 119b, Kentucky Statutes (Carroll, 1909), relating to State Capitol and providing for insurance on the buildings belonging to the Commonwealth.

By Mr. Wilson of the Committee on Suffrage and Elections:

H. B. 511. An act to further regulate telephone companies.

By Mr. Hamilton of the Committee on State Prisons and Houses of Reform:

H. B. 299. An act to amend an act entitled "An act to regulate the State Penal Institutions of this State.

By Mr. Pogue of the Committee on Education No. 1:

H. B. 380. An act to provide for the enforced attendance of children.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Charlton B. Thompson of the Committee on Judiciary:

H. B. 435. An act to abolish capital punishment within this State.

By Mr. Lochry of the Committee on Codes of Practice:

H. B. 18. An act to amend Section 73 of the Civil Code of Practice.

By Mr. Wilson of the Committee on Kentucky Statutes:

H. B. 487. An act to prohibit the sale of cigarettes or cigarette paper to minors and providing penalties therefor.

By same:

H. B. 493. An act to repeal an act entitled relating to weights and measures, balances and the appointment of an Inspector of Weights and Measures for Counties and to re-enact Sections 4817, 4818 and 4819 of the Kentucky Statutes.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 245. An act to prevent the marriage of any person of unsound mind.

By same:

H. B. 176. An act to establish a department of Hotel Inspection, providing for the appointment of a Hotel Inspector and Department Inspector thereof, and prescribing their duties and for the examination of all hotels in this

State and describing the meaning of the word, hotel, as used in this act.

The question being taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

A message was received from the Senate announcing that they had concurred in the substitute amendment adopted by the House of Representatives to a bill which originated in the Senate entitled,

S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections and for placing the name of candidates on the ballots to be voted for at general elections and prescribing penalties for violation therefor.

With an amendment to said substitute.

The committees which had originated the same reported bills of the following titles, viz.:

By Mr. Berry of the Committee on Municipalities:

H. B. 529. An act relating to the speed of vehicles in cities of the first class of Salvage Corps and other associations formed for the purpose of saving life and property from destruction by fire.

By Mr. Keller of the Committee on Public Monuments and Historical Records:

H. B. 530. An act to make an appropriation for the perpetuation for the fame of Kentuckians and Theodore O'Hara, author of "Bivouac of the Dead" to commemorate his honor and the celebrity of his poem.

Said bills were severally read the first time at length, ordered to be printed and placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 456. An act to provide for the appointment of a commissioner to the Panama Pacific Exposition at San Francisco, Cal., and to make an appropriation therefor.

H. B. 455. An act to make appropriation for securing the birth place of Jefferson Davis and erecting thereon a suitable memorial to his memory.

S. B. 52. An act permitting Charles Carroll to sue the State for a fee not exceeding $500 for legal services performed.

H. B. 418. An act to amend and re-enact Section 1930 of the Kentucky Statutes, concerning fugitives from justice passed August 3, 1892.

H. B. 463. An act providing for the payment of premiums on bonds executed by certain State officers.

H. B. 419. An act creating the Kentucky State Board of Accountancy.

H. B. 460. An act to further amend and re-enact Sec-

tion 3096, of the Kentucky Statutes, relating to cities of the second class.

H. B. 445. An act concerning annuities for aged, infirm, disabled, diseased or retired teachers in cities of the first class providing for payment of such annuities out of a fund to which teachers shall contribute; providing for a board of trustees for the management and distribution of such fund and prescribing regulations relative to the mode of obtaining, preserving, using and disbursing such fund and providing that the treasurer of the board of trustees shall be treasurer thereof.

H. B. 162. An act concerning railroad locomotives and headlights for them.

H. B. 335. An act to amend and re-enact Sections 3618 and 3619 of Chapter 89, Carroll's Edition, 1909, of Kentucky Statutes, relating to the election of marshals in cities of the fifth class.

Mr. Palmer moved that the rules be suspended and that a bill entitled,

H. B. 225. An act for the benefit of the three State Educational Institutions, viz.: State University, Lexington, Kentucky, Eastern Kentucky State Normal and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing necessary equipment, and for expansion of work; and also, providing additional revenues for the maintenance of said institutions.

Be made the Special Order of the Day for Tuesday next, the 27th instant, at 3 o'clock, p. m.

Said motion was agreed to.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills and a resolution of the following titles, viz.:

S. B. 21. An act relating to fire, lightning, hail, wind storm and sprinkler leakage insurance and to regulate and control the rates of premiums thereon and creating a State Insurance Board and defining the powers and duties of said board.

S. B. 40. An act to amend an act approved March 8, 1904, entitled an act for the relief of the Court of Appeals, approved March 5, 1900.

H. Res. 17. Resolution to appropriate money to pay expenses of joint committee which visited the State Prison at Eddyville.

Whereupon all other business was suspended, said bills and resolution were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills and resolution.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

And the House adjourned until Monday next, the 26th instant.

MONDAY, FEBRUARY 26, 1912.

The House was opened with prayer by the Rev. Father J. A. Flynn, of the Roman Catholic Church, of the city of Frankfort.

The reading of the Journal of the proceedings of Saturday last was dispensed with.

Upon a call of the Counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Dickey:

H. B. 531. An act to change the time of holding the regular term of the Circuit Courts in the counties of Cumberland, Monroe and Russell.

To Committee on Circuit Courts.

By Mr. Asher:

H. B. 532. An act to amend and re-enact Section 3070, Article 2, Chapter 108, Kentucky Statutes, Carroll's Edition, 1909, relating to increase of County Assessors' salaries.

To Committee on Revenue and Taxation.

By same:

H. B. 533. An act to amend and re-enact Section 1846, Article 1, Chapter 52, Kentucky Statutes, 1909, Carroll's Edition, relating to increase of penalties for failure of Fiscal Court to publish the financial condition of the county.

To Committee on County and City Courts.

By Mr. Jackson:

H. B. 534. An act to prevent personal property on which there is a lien or which is in the possession of any one other than the owner thereof from being removed from this State without the written consent of the equitable owner thereof.

To Committee on Judiciary.

By Mr. C. B. Thompson:

H. B. 535. An act to allow towns of the sixth class in the State of Kentucky to acquire lands adjacent to said towns by condemnation for the purpose of perfecting the disposal of sewage of said towns.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 536. An act to provide for a district detective, for an annual expense fund of $500 for the Commonwealth's Attorney of districts containing cities of the second class in the Commonwealth of Kentucky.

To Committee on Municipalities.

By same:

H. B. 537. An act concerning the compensation to be paid to official stenographic reporters in courts of continuous session and having two judges.

To Committee on Municipalities.

By Mr. Cole:

H. B. 538. An act to further regulate the practice of law and prevent improper conduct upon the part of attorneys.

To Committee on Judiciary.

By Mr. Hatton:

H. B. 539. An act to repeal Subsections 3, 4 and 7 of Section 98 and Section 101 of Chapter 8 of Kentucky Statutes, Carroll's Edition, 1909, and create a Board of Bar Examiners and providing compensation therefor.

To Committee on Judiciary.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 165. An act for the promotion of demonstration work in agriculture and horticulture among the negroes providing for industrial institutes and appropriating annually $5,000 therefor.

H. B. 489. An act to prevent the destruction of game in Kentucky.

H. B. 468. An act to protect drivers of stock on the public highways of this Commonwealth where the stock law is in force.

S. B. 110. An act for the benefit of Mrs. Wm. Cromwell.

H. B. 384. An act for the benefit of B. F. Welch, Arnold Bechial and Thomas Rarden.

H. B. 459. An act to create the 10th Circuit Judicial District so as to include Metcalfe County in said district.

Together with an amendment thereto by way of substitute therefor.

H. B. 471. An act to amend so much of Section 965 of Carroll's Kentucky Statutes as regulates the time of holding the terms of the Circuit Courts in the Third Circuit Court district and provides for the time of holding same.

S. B. 48. An act to amend and re-enact Sections 2241 and 2242, Kentucky Statutes.

H. B. 422. An act to prohibit the use and sale of tobaccos in the State of Kentucky.

H. B. 381. An act to amend and re-enact Section 131, Subdivision 2, Article 4, of Chapter 182, Kentucky Statutes.

H. B. 377. An act to amend and re-enact Section 3643, of the Kentucky Statutes, relating to public ways and sidewalks in cities of the fifth class.

H. B. 488. An act to authorize the Governor to ap-

point a commission of five veterans to attend the 50th anniversary of the battle of Gettysburg to be held on the battle grounds, July the 1st, 2nd, 3rd and 4th, 1913.

H. B. 481. An act relating to the protection of employees on buildings and providing punishment for violation thereof.

H. B. 498. An act to amend Section 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

H. B. 135. An act to amend an act providing for fiscal courts in the Commonwealth of Kentucky which was approved October 17, 1892, and as same has since been amended, all of which and amendments now appear in Article 1, Chapter 52, of John D. Carroll's Edition of the Kentucky Statutes for the year 1909.

H. B. 509. An act concerning assignments for benefit of creditors.

With sundry amendments thereto.

H. B. 160. An act to elevate and regulate the qualification and fitness of County Assessors.

S. B. 75. An act to prevent sweating process of prisoners arrested charged with crime and to prevent the admission as evidence of confessions obtained by such process in the State of Kentucky.

H. B. 441. An act allowing bail pending appeal to the Court of Appeals in all felony cases except cases where the

jury has fixed the punishment at death or confinement in the penitentiary for life.

S. B. 210. An act ceding jurisdiction of the Commonwealth of Kentucky over certain lands to the United States of America, upon the establishment of the Mammoth Cave National Park.

H. B. 465. An act to amend and re-enact Section 1742 of the Ky. Statutes, relating to fees and repealing all laws or parts of laws in conflict therewith.

H. B. 450. An act to amend Section 1490 of the Ky. Statutes, Carroll's Edition, 1909.

H. B. 501. Act to provide for the employment of common school teachers by the County Board of Education.

H. B. 438. An act to amend an act entitled "An act to regulate child labor."

S. B. 28. An act to amend an act entitled "An act to amend Sections 124 and 125 of an act entitled 'An act for the government of cities of the first class,' approved July 1, 1893," approved March 21, 1902.

H. B. 482. An act to amend an act entitled "An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis."

H. B. 347. An act to aid and promote the building of good roads in the State of Kentucky and to direct the transfer of any stock or other interest owned by the State of Kentucky in turnpike companies or toll roads to any county that

may purchase or condemn said roads and operate same as free roads.

H. B. 97. An act to amend Section 4313, Kentucky Statutes, Chapter 110, entitled Roads and Passways.

H. B. 500. An act to amend Section 4301, Kentucky Statutes, said section being entitled therein "Places where roads shall not be established."

S. B. 3. An act to create and establish a department of public roads and a system of Public State Roads and to provide for the maintenance thereof.

S. B. 4. An act defining public roads, providing for their establishment, regulation and construction and use and maintenance, creating the office of Road Engineer and prescribing the duties thereof.

H. B. 479. An act providing for prevention of the waste of natural gas in Kentucky.

H. B. 469. An act to compel warehousemen and samplers to pay for samples of tobacco taken from hogsheads and other packages.

H. B. 268. An act to provide for the assessment and the collection of a specific tax upon the class of credits founded upon and evidenced by mortgages and liens upon real property and to repeal all acts and parts of acts in contravention thereto.

H. B. 67. An act dividing the State into 38 Senatorial Districts.

H. B. 159. An act dividing the State into one hundred Representative Districts.

H. B. 243. An act to amend Subsection 4618b, Chapter 119b, Kentucky Statutes (Carroll, 1909), relating to State Capitol and providing for insurance on the buildings belonging to the Commonwealth..

H. B. 511. An act to further regulate telephone companies.

H. B. 299. An act to amend an act entitled "An act to regulate the State Penal Institutions of this State.

H. B. 380. An act to provide for the enforced attendance of children.

Ordered that said bills be read the second time. The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Forgy moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 94. An act giving to the laborer who furnishes material or labor to repair, alter or improve any personal property or to shoe, feed, pasture, care for, treat or nurse any live stock a lien upon said personal property to secure the payment of the price for such material and labor so furnished or rendered.

Together with the amendment heretofore proposed thereto by the Committee on Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the laborer who furnishes material or labor to repair, alter or improve any personal property, or to shoe, feed, pasture, care for, treat or nurse any live stock, shall have a lien upon said personal property or live stock to secure the payment of the contract price for such material or labor so furnished or rendered; or, in the absence of a contract price, for the reasonable value of such material or labor, which lien may be enforced by an equitable proceeding in any court having jurisdiction thereof, as in proceedings to enforce mortgage liens: Provided, however, that no such liens shall be enforced against said property after the same has been acquired by a bona fide purchaser for a valuable consideration, without notice. And a subsequent bona fide lienholder for valuable consideration and without notice shall, to the extent of his lien, be entitled to priority over his antecedent in payment of his debt, where the proceeds of the property is not sufficient to satisfy all lienholders.

The amendment as proposed thereto by the Committee on Kentucky Statutes, is as follows, viz.:

"Amend by adding as an additional section thereto the following: Actions to enforce the lien herein given must be given within two years from the time the cause of action first accrued."

Said amendment was agreed to.

Mr. W. A. Perry offered the following amendment to said bill, viz.:

Amend by striking out of the first line the word "laborer" and insert in lieu thereof the word "person."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Elkanah Dickey	R. Dillard Hunter
Eugene G. Asher	G. L. Drury	Earl C. Huntsman
George Baker	Ben F. Egleston	W. E. King
J. M. Bean	J. H. Elder	William J. Kuh
Eli Berry	Eli Farmer	James A. Leach
A. V. Bertram	S. Walton Forgy	F. A. Lochry
E. Bishop	John F. Fryer	B. J. Matthews
H. C. Blades	Allie T. Gaines	S. F. Middleton
Hiram Brown	D. Clarence Gray	R. C. McClure
Wallace Brown	T. J. Gregory	Ben E. Niles
C. W. Burton	Elwood Hamilton	L. B. Owen
G. E. Carroll	V. D. Hammond	Luther C. Owings
George P. Chinn	A. B. Hatton	A. W. Palmer
Henry Chunn	L. B. Herrington	W. F. Parker
Sidney G. Clay	A. B. Holland	William A. Perry
W. Frank Cole	John W. Holland	S. L. Robertson

Walter S. Sinclair	John G. Stoll	David W. Wiley
W. Scott Smith	C. B. Thompson	Edward L. Young
Adam Spahn	D. B. Thurman	—59
A. H. Stamper	E. B. Wiley	

Those who voted in the negative were—

W. J. Jackson	John G. Kelley	John A. Polin

—3

Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the rules be suspended and that the House took up for consideration from the Orders of the Day a bill entitled,

H. B. 456. An act to provide for the appointment of a Commissioner to the Panama Pacific Exposition at San Francisco, California, and to make an appropriation therefor.

Together with the amendment heretofore proposed thereto by way of substitute therefor by the Committee on Appropriations.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of the Commonwealth of Kentucky be, and he is hereby authorized and directed, by and with the consent of the Senate, to appoint a Commissioner to be known as the Kentucky Commissioner to the Panama-Pacific Exposition.

§ 2. Said commissioner shall visit San Francisco, and secure an option on a suitable site for a building to represent Kentucky, at said Exposition. He shall also have estimates prepared showing the cost of said building and of furnishing and maintaining same, and for making an exhibit of the natural resources, commercial advantages, mechanical appliances, educational and artistic progress, agricultural, mineral and forestry interests and all other interests and industries of the Commonwealth of Kentucky.

§ 3. It shall be the duty of the said commissioner to confer with such citizens of Kentucky, county officials, and other persons, as may be necessary regarding the character and extent of the purposed exhibits.

§ 4. Said commissioner, before he enters upon the discharge of his duties shall execute to the Commonwealth of Kentucky a bond, to be approved by the Governor, faithfully to discharge the duties required of him by this act, and upon failure to comply with any of the provisions of this act he shall be held responsible on his official bond to the Commonwealth.

§ 5. The commissioner shall report to the Governor from time to time the progress he is making and the Governor, in turn, shall lay such reports before the Legislature for their information and guidance, at the next regular session of the General Assembly.

§ 6. Said Commissioner shall receive as compensation for his said services a sum not to exceed twenty-five hundred dollars, and his necessary traveling expenses incurred while engaged in said duties. Said Commissioner shall file with the Governor an itemized account of all his expenses and

upon the approval of the Governor, the Auditor of Public Accounts is authorized to draw a warrant on the Treasurer of the State of Kentucky for such account.

§ 7. In order to carry out the provisions of this act, the sum of five thousand dollars, or so much thereof as may be necessary for carrying out the purposes expressed herein, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The substitute amendment heretofore proposed by said Committee is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a commission to be known as the Panama Pacific Exposition Commission which shall consist of three members to be appointed as follows: One of said commissioners to be appointed by the Governor of this Commonwealth; one to be appointed by the President of the Senate and who shall be a member of the Senate and one to be appointed by the Speaker of the House of Representatives who shall be a member of said House and said Commissioners shall hold said office for a period of four years.

§ 2. Said Commissioners shall visit San Francisco and secure an option on a suitable site for a building to represent Kentucky at said Exposition. They shall also have estimates prepared showing the cost of said building and of furnishing and maintaining same, and for making an exhibit of the natural resources, commercial advantages, mechanical appliances, educational and artistic progress,

agricultural, mineral and forestry interest and all other interests and industries of the Commonwealth of Kentucky.

§ 3. It shall be the duty of the said Commissioners to confer with such citizens of Kentucky, county officials and other persons as may be necessary regarding the character and extent of the proposed exhibits.

§ 4. Said Commissioners shall report to the Governor from time to time the progress they are making and the Governor in turn shall lay such reports before the Legislature for their information and guidance at the next regular session of the General Assembly.

§ 5. Said Commissioners shall receive no compensation for their said services but shall be allowed and paid all necessary traveling expenses and other necessary expenses incurred while engaged in said duties. Said Commissioners shall file with the Governor an itemized account of all their expenses and upon the approval of the Governor the Auditor of Public Accounts is authorized to draw a warrant on the Treasurer of the State of Kentucky, for such amount as stated by the Commissioners affidavit covering their traveling expenses and other general expenses.

Said substitute amendment was adopted.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed as amended.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Allie T. Gaines	Ben E. Niles
Eugene G. Asher	Joe Hall	L. B. Owen
George Baker	Elwood Hamilton	Luther C. Owings
J. M. Bean	V. D. Hammond	A. W. Palmer
Eli Berry	A. B. Hatton	W. F. Parker
Thos. M. Bertram	L. B. Herrington	J. R. Paxton
E. Bishop	A. B. Holland	William A. Perry
H. C. Blades	John W. Holland	John A. Polin
John F. Brewer	James R. Howell	W. A. Price
Wallace Brown	R. Dillard Hunter	Stanley F. Reed
G. E. Carroll	Earl C. Huntsman	S. L. Robertson
George P. Chinn	Green R. Keller	Walter S. Sinclair
Henry Chunn	W. E. King	Adam Spahn
W. Frank Cole	William J. Kuh	A. H. Stamper
Sidney J. Collins	James A. Leach	C. B. Thompson
Elkanah Dickey	J. Albert Leach	E. B. Thompson
G. L. Drury	F. A. Lochry	D. B. Thurman
Ben F. Egleston	B. J. Matthews	Louis B. Tieman
J. H. Elder	Harry J. Meyers	B. S. Wilson
S. Walton Forgy	S. F. Middleton	Edward L. Young
John F. Fryer	R. C. McClure	—62

Those who voted in the negative were—

D. Clarence Gray	T. J. Gregory	David W. Wiley

—3

Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Middleton moved that the rules be suspended and that a bill entitled,

H. B. 29. An act to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs."

Be taken up for consideration from the Orders of the Day and placed on its passage.

Mr. Clay moved to amend said motion by striking out H. B. 29, and inserting in lieu thereof,

H. B. 241.

Said amendment was agreed to.

Said motion as amended was agreed to.

Thereupon the House took up for consideration from the Orders of the Day a bill entitled,

H. B. 241. An act to repeal Section 68 of the Kentucky Statutes, relating to the dog law.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 68 of Kentucky Statutes be and the same is hereby repealed. Said Section reads as follows:

Section 68. OWNER LIABLE FOR DAMAGES—WHEN DOG MAY BE KILLED.—Every person owning, having or keeping any dog shall be liable to the party injured for all damages

done by such dog. But no recevery shall be had in case the person injured is, at the time, upon the premises of the owner of the dog after night, or engaged in some unlawful act in the day time; and it shall be lawful for any person to kill, or cause to be killed, any dog which he may find roaming at large on his premises without the presence of the owner or keeper of such dog, and to kill or cause to be killed, any dog which may be or may have been found killing, worrying or injuring any cattle outside of the inclosures of the owner of the dog, or any dog having the disease known as the "rabies," or that there are reasonable grounds to believe has such disease; or a bitch "in season" found off the premises of the owner or person having her in custody, and not accompanied by someone having her in charge.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	W. Frank Cole	V. D. Hammond
George Baker	Sidney J. Collins	A. B. Hatton
J. M. Bean	Elkanah Dickey	L. B. Herrington
E. Bishop	G. L. Drury	John W. Holland
John F. Brewer	Ben F. Egleston	James R. Howell
Hiram Brown	J. H. Elder	R. Dillard Hunter
Wallace Brown	Eli Farmer	Earl C. Huntsman
C. W. Burton	S. Walton Forgy	W. J. Jackson
G. E. Carroll	John F. Fryer	Green R. Keller
George P. Chinn	Allie T. Gaines	John G. Kelley
Sidney G. Clay	Elwood Hamilton	W. E. King

Charles H. Knight	A. W. Palmer	W. Scott Smith
William J. Kuh	W. F. Parker	Adam Spahn
J. Albert Leach	William A. Perry	A. H. Stamper
F. A. Lochry	W. V. Perry	C. B. Thompson
B. J. Matthews	Marion F. Pogue	D. B. Thurman
Harry J. Meyers	John A. Polin	David W. Wiley
R. C. McClure	W. A. Price	E. B. Wiley
Charles D. McCrea	Stanley F. Reed	J. H. Williams
Ben E. Niles	S. L. Robertson	B. S. Wilson
Luther C. Owings	Walter S. Sinclair	Edward L. Young

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Those who voted in the negative were—

D. Clarence Gray	S. F. Middleton	J. R. Paxton
T. J. Gregory	L. B. Owen	

—5

Resolved that the title thereof be as aforesaid.

Mr. Clay moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's desk a bill which originated in the Senate entitled,

S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for violations thereof.

Together with the amendment proposed by the Senate

to the amendment by way of substitute heretofore proposed to said bill by the House of Representatives.

For bill and substitute amendment proposed thereto by the House see House Journal, February 21st.

The amendment as proposed by the Senate to the amendment by way of substitute as proposed by the House of Representatives to said bill is as follows, viz.:

That in line 26, of Section 5, after the figures 1912, there shall be added the following words: "And provided further that where a political party has before the passage and approval of this act made a call under its party law for a primary election or convention for the nomination or nominations of its candidate or candidates to be voted for at the November election in 1912, then a nomination or nominations by such parties for such offices shall not be made in the primary election held under this act in the year 1912."

Said amendment was concurred in.

The question was then taken on the final passage of said bill as amended and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	A. V. Bertram	Hiram Brown
Eugene G. Asher	Thos. M. Bertram	Wallace Brown
George Baker	E. Bishop	C. W. Burton
J. M. Bean	H. C. Blades	G. E. Carroll
Eli Berry	John F. Brewer	George P. Chinn

Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
W. H. Shanks
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
Edward L. Young
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A message was received from the Senate announcing that they had passed a bill of the following title,

S. B. 57. An act to regulate and control the conduct and use of gasoline, electric and steam propelled passenger, delivery and freight automobiles, locomobiles, machines and cars and to protect and safeguard the public and the general and public use of the public thoroughfares; to provide for the competency of certain evidence at the trial of offenses and to provide a penalty for the violation thereof.

Said bill was ordered to be printed and referred to the Committee on Public Utilities.

Mr. Reed moved that the rules be suspended and that a bill entitled,

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be effected.

Be made the Special Order of the Day for Tuesday, February 27, at 1 o'clock p. m.

Said motion was agreed to.

Mr. Matthews moved that the rules be suspended and that a bill entitled,

H. B. 252. An act to amend an act approved March 21, 1910, being Chapter 50 of the acts of 1910, entitled an act to amend an act entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894 and thereafter in due course became a law and as same has since been amended of which said acts and amendments now appear as Article 3, of Chapter 89, Kentucky Statutes, Carroll's edition, 1909.

Be made the Special Order of the Day for Friday, March 1st, at 1 o'clock p. m.

Said motion was agreed to.

Mr. Robertson moved that the rules be suspended and that a bill entitled,

H. B. 268. An act to provide for the assessment and collection of a specific tax upon the class of credits founded upon and evidenced by mortgages and lien upon real prop-

erty and repeal all acts and parts of acts in contravention thereto.

Be made the Special Order of the Day for Wednesday, February 28, at 12:30 p. m.

Said motion was agreed to.

Mr. H. J. Meyers moved that the rules be suspended and that a bill entitled,

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture the Department of Public Roads and creating the office of Public Roads, and prescribing the duties thereof and fixing the salary thereof and creating the State Road Fund and fixing the rate of levy thereof and the collection and disbursement thereof.

Be made the Special Order of the Day for Wednesday, February 28, at 3:15 o'clock, p. m.

Said motion was agreed to.

Mr. H. J. Meyers moved that the rules be suspended and that a bill entitled,

S. B. 4. An act defining public roads providing for their establishment, regulation and construction and use and maintenance, creating the office of Road Engineer and prescribing the duties thereof.

Be made the Special Order of the Day for Wednesday, February 28, at 3:15 o'clock, p. m.

Said motion was agreed to.

Mr. Thurman moved that the rules be suspended and that a bill entitled,

H. B. 439. An act authorizing the appointment of Assistant Assessor.

Be made the Special Order of the Day for Wednesday, February 28, at 11:45 o'clock, a. m.

Said motion was agreed to.

Mr. Smith moved that, the rules be suspended and the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 84. An act to amend and re-enact Section 68a, Kentucky Statutes, Carroll's edition, 1909, relating to dogs and the promotion of the sheep industry.

Said motin was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 68a, Kentucky Statutes, 1909, be amended by adding thereto after the word "wishes" in the fifth line, these words: "And provided further: There shall be exempt from taxation one dog, of persons with a family." So that said section when amended, will read as follows: "Each year every dog over four months old shall be listed for taxation as herein provided, either by the owner or by the assessor in the name of the owner, without fixing any valuation thereto. Provided, The owner may, if he so de-

sires, affix any value thereto he wishes; and provided further, there shall be exempt from taxation one dog, of persons with a family. Every person who keeps or harbors a dog, or who knowingly permits the keeping or harboring of a dog upon his premises, shall, for the purposes of taxation, be deemed the owner thereof; and the assessor and his deputies shall ascertain the owner or harborer of each dog within his territory, and list and return the same by magisterial districts. The Auditor shall provide blank spaces in assessor's books and schedules, and the assessor in listing a dog, shall enter its description upon the schedule, stating the kind, sex, age, color, size and name, if any."

§ 2. This act shall take effect and be in force from and after its passage.

Mr. Paxton offered the following amendment to said bill:

Amend by adding in line 10 of Section 1, after the word "family" the words "save a female dog which shall be taxed $10."

Said amendment was disagreed to.

Mr. Lochry offered the following amendment to said bill:

Amend by inserting after the word "family" in line 12, of Section 1, the following: "provided this shall apply only to families not having children."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	T. J. Gregory	Charles D. McCrea
Eugene G. Asher	Joe Hall	L. B. Owen
George Baker	V. D. Hammond	A. W. Palmer
A. V. Bertram	A. B. Hatton	W. F. Parker
Thos. M. Bertram	L. B. Herrington	William A. Perry
Hiram Brown	A. B. Holland	Marion F. Pogue
Wallace Brown	James R. Howell	John A. Polin
George P. Chinn	R. Dillard Hunter	S. H. Rogers
Henry Chunn	Earl C. Huntsman	W. H. Shanks
W. Frank Cole	W. J. Jackson	Walter S. Sinclair
Sidney J. Collins	John G. Kelley	W. Scott Smith
Elkanah Dickey	W. E. King	Adam Spahn
G. L. Drury	M. C. Kirk	A. H. Stamper
Eli Farmer	J. Albert Leach	E. B. Thompson
S. Walton Forgy	B. J. Matthews	J. H. Williams
John F. Fryer	S. F. Middleton	B. S. Wilson
Allie T. Gaines	R. C. McClure	Edward L. Young

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Those who voted in the negative were—

J. M. Bean	Elwood Hamilton	J. R. Paxton
E. Bishop	John W. Holland	W. V. Perry
H. C. Blades	Green R. Keller	W. A. Price
C. W. Burton	Charles H. Knight	Stanley F. Reed
G. E. Carroll	James A. Leach	S. L. Robertson
Sidney G. Clay	F. A. Lochry	C. B. Thompson
Ben F. Egleston	Hugh Mahin	D. B. Thurman
J. H. Elder	Harry J. Meyers	E. B. Wiley
D. Clarence Gray	Ben E. Niles	David W. Wiley

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Resolved that the title thereof be as aforesaid.

Mr. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Keller offered the following motion, viz.:

Amend the rules of this House by striking out of line 3, Rule 39, the word "majority" and insert in lieu thereof word "two-thirds."

Said motion was referred to the Committee on Rules.

Mr. Drury moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 292. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the straightening, widening, deepening or otherwise improving public levees, ditches, drains, creeks or non-navigable streams, prescribing the method of procedure, the assessment and collection of the costs and expense thereof, creating and incorporating Boards of Drainage Commissioners, and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of any county in the Commonwealth of Kentucky shall have jurisdiction, power and authority to locate, establish and have constructed, all levees, ditches, drains or canals, and to have constructed, straightened, widened or deepened any ditch, drain, creek or non-navigable water course, all for the purpose of draining or reclaiming low, swampy or overflowed lands in such county.

§ 2. Before the county judge shall establish, widen, straighten, deepen or construct any such levee, ditch, drain, canal, creek or water course, there shall be filed with the county clerk of such county, a petition, signed by one or more of the land owners whose lands will be liable to be affected by, or assessed for the construction of same. In such petition shall be set forth the body of land, or district of land in the county and adjoining county or counties, proposed to be ditched, drained or leveed, described in such a way as to convey a general idea as to the location of the land, and that the drainage or leveeing of same would result in public benefit or utility, or that the public health, convenience or welfare will be promoted by the draining, ditching or leveeing of same, or by changing or improving the levee, ditch, drain, canal, creek or water course, if already in existence, in whole or in part, and also there shall be set forth, as far as practicable, the starting point, route, terminus and lateral branches, if any, of the proposed improvement. Before any action is taken on said petition, the petitioners, or some one or more of them, shall execute a bond, with two or more individual sureties, or with some lawful surety or bonding company, to be approved by the county clerk in either event, to the Commonwealth of Kentucky, for the use and benefit of any party in interest, and in a sum

not to exceed two hundred dollars per mile for each mile in length of the proposed improvement, conditioned for the payment of all costs and expenses incurred, in case the court should fail or refuse to grant the prayer of said petition. If at any time during the proceeding the court shall be satisfied the bond first executed is insufficient in amount, it may require the execution of additional bonds, and upon failure of the petitioners to execute same when required, the petition shall be dismissed. In said petition shall also be set forth the names of the owners of lands, so far as known to the petitioners, whose lands are likely to be affected by the improvement. When said petition and bond shall have been filed with the county clerk, the county judge, whether at regular term time or not, shall thereupon appoint a competent civil and drainage engineer and two resident freeholders of the county, the two freeholders being persons not named in the petition as interested, and not related to any of the parties so named, who shall constitute the board of viewers, to examine the lands named in the petition, and to make a preliminary report. If the district proposed to be drained or leveed is located in more than one county, such petition may be filed in either county, and the county judge of the county in which the petition is first filed shall have jurisdiction of the proceeding.

§ 3. Before entering upon the discharge of the duties of their positions, the board of viewers shall be sworn to faithfully and impartially perform their duties to the best of their ability. They shall then proceed to examine the lands in the territory or district, described in the petition, and any other land not so embraced, and which may be affected, or which may be necessary to locate properly such improvement or improvements as are petitioned for, along the route described in the petition, or any other route which

in their opinion may be more feasable or practicable. They may make or have made such surveys as may be necessary to determine the boundaries and elevations of the several parts of the district, and shall make and file with the county clerk within thirty days from the date of their qualifications, unless the time be extended by order of the county judge entered upon the order book, a written report covering the following matters:

1st. Whether the proposed improvement is practicable, and the route the proper one.

2nd. Whether it will benefit the public health, comfort or convenience, or any public highway, or be conducive to the general welfare of the community in which it is to be located.

3rd. Whether the proposed improvement will benefit the lands sought to be benefited, or any of them.

4th. Whether or not all the lands that are benefited are included in the proposed drainage district.

If the board of veiwers shall find the improvement practicable, but the route named in the petition improper or impracticable, they may so state, showing therein the proper and practicable route. If they find any land mentioned in the petition as being benefited, which is not benefited or affected, they shall so state, giving the names of the owner or owners thereof. If they find any land benefited or affected by the proposed improvement that is not mentioned or described in the petition, they shall so report, giving the name or names of the owner thereof. They shall verify the correctness of the statements of the petition relative to ownership of lands affected, and by their report correct

any errors or mistakes, if any, there made. With this report there shall also be filed a map of the proposed district, showing the location of the proposed improvement, with all laterals, arms or branches, and the lands that will be affected thereby, together with such other information as they may deem necessary. Upon the filing of such preliminary report, the same shall be considered by the county judge at the next regular term of the county court, succeeding the filing of the report with the clerk. If the report shows that the proposed improvement is not practicable, or that it will not benefit the public health, or any public highway, or be conducive to the general welfare of the community, the petition shall be dismissed at the cost of the petitioners. If the viewers report that the improvement is practicable, and will benefit the public health or any public highway, or will be conducive to the general welfare of the community affected, then the proceeding shall be continued, for process and for further orders.

§ 4. If the petition be not dismissed as provided in the preceding section, then the clerk will issue process against all the land owners named in the petition and in the viewers' report, whose land or lands are shown to be affected by the proposed improvement, notifying them of such proceeding, and of the fact that their lands are affected, and to show cause why the same should not be assessed. Such orders or process may be issued against non-residents, infants and other persons under disability, as is provided by the Civil Code of Practice in actions against them in the Circuit Court. The action on the viewers' preliminary report shall stand for exceptions as to each and every party brought before the court, at the next regular term of the county court, after process shall have been executed for the length of time provided by the Civil Code for actions in the Circuit Court, and no exceptions shall be filed by any

party properly before the court after such term, unless the time for filing same be extended by the court, which may be done for good cause shown, or unless the court shall be satisfied that due diligence has been exercised, and that in the interests of justice such exceptions should be thereafter filed, in which event, it may by order permit the filing of such exceptions at a later date: Provided, however, That in no event shall any exceptions be filed to the viewers preliminary report by parties then before the court, after the entry of the orders setting the proceeding down for trial on the exceptions. In the event exceptions shall be filed by any party in interest to the viewers' preliminary report, the proceeding shall be continued from time to time until all the parties are before the court as hreein provided for, and at the first, or any other regular term of the court thereafter, the court shall be order entered, set the proceeding down for trial on the exceptions filed, for a day not earlier than ten days from the entry of the order, unless an earlier date is agreed to by the parties. The court shall try the exceptions unless a jury trial is demanded, in which event the trial shall be by jury composed of six resident freeholders of the county, possessing the necessary qualifications for jury service. If a trial is not had on the day set, it may be continued from time to time in the discretion of the court, and judgment shall be rendered by the court in accordance with the verdict of the jury, or the judgment of the court, as the case may be. Costs shall follow the judgment of the court as in other civil actions. All parties properly before the court shall be bound by the judgment of the court, whether they filed exceptions or not, and shall not thereafter be heard as to any question raised, or which could or might have been raised, by any party in interest up to that time, subject however to the right of appeal as provided for

in the next succeeding section. At this time the court shall render judgment only upon such issues as are actually raised by the exceptions.

§ 5. Any person, firm or corporation who has filed exceptions, or the petitioners, if they consider themselves aggrieved, may pray and shall be granted an appeal from the judgment of the county to the Circuit Court. Such appeal must be taken within ten days from the rendition of the judgment. The party or parties appealing shall file with the circuit clerk a certified copy of the judgment, and execute bond with at least two freehold sureties, or some lawful surety company, conditioned that he or they shall prosecute such appeal and pay all costs that may be adjudged against him or them in the Circuit Court. Unless such copy of the judgment is filed, and said bond executed before the circuit clerk within ten days from the rendition of the judgment by the county court, the judgment of the county court shall be final, and no appeal shall thereafter be taken. In the event such appeal is taken, the clerk of the county court shall, on or before the first day of the next term of the Circuit Court, transmit all original papers to the clerk of the Circuit Court, and all orders of the county court may be read in evidence by either side, without being copied. Said proceeding shall be docketed and tried in the Circuit Court, as other civil cases are tried, except that the issues shall be confined to those raised in the lower court, and no new issues not so raised shall be considered, and no summons need issue on the appeal. An appeal may be taken to the Court of Appeals from the judgment of the Circuit Court, in the same manner as other appeals are granted and taken, except, that the judgment of the Circuit Court shall be final unless the party or parties appealing, within ten days after the judgment of the Circuit Court is rendered, or if a motion

for a new trial is entered, within ten days after the said motion is acted on, shall execute before the circuit clerk, a bond of the same kind and character as that required on appeal from the county court, and except further, that all right to appeal shall terminate, unless the same is taken and the record filed in the office of the clerk of the Court of Appeals, within thirty days from the rendition of the judgment, or if a motion for a new trial is filed within thirty days from the entry of the judgment of the court thereon. When the judgment of the Circuit Court shall have become final, the circuit clerk shall return to the county clerk, all the original papers in the case, and shall file with him a certified copy of the judgment of the Circuit Court.

§ 6. If no exceptions are filed to the viewers' preliminary report, the same shall be confirmed by the court at the first term of the county court which convenes after all the parties are before the court for the length of time herein provided. If such exceptions are filed and the final judgment rendered thereon shall necessitate any change in the viewers' report, the county court, at the next or any regular term after such judgment on said exceptions becomes final, shall enter such orders as shall be necessary to carry into effect the judgment of the court as rendered, and shall by such orders make such changes or modifications in the viewers' report, as may be necessary. If any land shown by the viewers' report to be affected is released, such lands shall be stricken from the district; if other lands not embraced by the viewers' report are found to be benefited or affected, they shall be added to the district, and the owner or owners thereof brought before the court in the same manner as hereinbefore provided for. When the viewers' report is finally confirmed, or finally changed or modified as herein provided for, the county court shall then establish

the drainage or levee district, which shall be designated by name or number, so as to distinguish it from any other district. After the district is established, the court shall refer the report of the viewers to the board of drainage commissioners hereinafter provided for, for the purpose of having made a complete survey, plans and specifications for the drains or levees, or other improvement, all to be done as hereinafter provided, and their report shall be filed within thirty days thereafter.

§ 7. In all counties in this State where a public ditch, drain, levee or other improvement of a similar character shall have been established under pre-existing laws, or may hereafter be established under this act, and subject to the provisions of Section .....hereof, it shall be the duty of the county judge to appoint a "Board of Drainage Commissioners" of the county, who shall have charge and control of all such public ditches, drains, levees and similar improvements, in such county, except as herein otherwise provided. Each of the persons so appointed shall hold office for a term of four years, or until their successors are appointed and qualified, shall execute bond for the faithful performance of their duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of their position to the best of their ability. Vacancies on said board shall be filled by the county judge. Immediately upon their appointment and qualification, said board shall become, and is hereby created, a body corporate under the name and style of the "Board of Drainage Commissioners of .....County Kentucky," (the blank to be filled by the name of the county) with the right to acquire, hold, encumber, sell and convey such real estate and personal property as shall be necessary to the conduct of its affairs, to sue and be sued, contract and be contracted

with, and shall possess such other powers and rights as usually pertain to corporations, or as may be necessary for carrying on their work, under the provisions of this act; it shall have and use a corporate seal and may change same at pleasure. Said board shall elect from among its members a president and vice-president. They may also elect a secretary, who may or may not be a member of the board, and fix his compensation, and if no such secretary is elected, the county clerk of the county shall act as such, and be ex-officio secretary thereof. The treasurer of the county shall be ex-officio treasurer of such board. Said board of drainage commissioners shall meet as often as necessary for the proper discharge of the duties of their position, such meetings to be held at the courthouse in the county of their appointment. They shall keep complete records of their proceedings, which records shall be public records, of which the county clerk shall be custodian, and at all times open to the inspection of the public. Said commissioners shall each be paid as full compensation for their services, not exceeding the sum of five dollars per day, while actually engaged in the performance of their duties, to be fixed by order of the county court, as well as all traveling expenses incurred in attending any meeting of the board, or in the performance of their duties under this act, to be paid out of the drainage funds herein provided for.

§ 8. Upon reference to it by the court of any proceeding to establish or construct any improvement under this act, the board of drainage commissioners shall appoint or employ a competent drainage engineer, who shall be the chief engineer for the work, and who may or may not be the same engineer appointed on the board of viewers, and they may also prescribe the number of assistant engineers to be employed on the work, such assistants to be selected by the

chief engineer. The chief engineer shall have control of the work until completed, unless sooner removed by the board, and may assign such portions thereof as he may deem fit to each assistant. He may by and with the consent of the board consult any eminent engineer or engineers, and obtain his or their opinion or advice concerning the drainage of said district. He shall have power to employ such assistants as may be necessary to make a complete topographical survey of the drainage district, and shall enter upon the ground and make a survey of the main drain or drains and all its laterals. The line of each ditch, drain or levee shall be plainly and substantially marked on the ground. The course and distance of each ditch, and width of right of way, shall be carefully noted and sufficient notes made, so that it may be accurately plotted and mapped. A line of levels shall be run for the entire work and sufficient data secured from which accurate profiles and plans may be made. Frequent bench marks shall be established along the line, on permanent objects, and their elevation recorded in the field books. If it is deemed expedient, other levels may be run to determine the fall from one part of the district to another. If an old water course, ditch or channel is being widened, deepened or straightened, it shall be accurately cross sectioned, so as to compute the amount of cubit yards saved by the use of such old channel. A drainage map of the district shall then be completed, showing the location of the ditch or ditches and other improvements and the boundary, as closely as same may be reasonably determined, of the lands owned by each individual land owner within the district. The location of any railroads or public highways and the boundary of any incorporated towns or villages within the district shall be shown on the map. There shall also be prepared to accompany this map a profile of each levee, drain or water course, showing the surface of

the ground, and the bottom or grade of the proposed improvement. If any private ditch is utilized, the saving by reason of such use shall be carefully computed and reported, with the name of the owner or owners thereof. Wherever the chief engineer shall make a survey for the purpose of locating a public levee or drainage district or changing a natural water course, and the same would cross the right of way of any railroad company, it shall be the duty of the board of drainage commissioners to notify the railroad company, by serving written notice upon the local agent of such company or its lessee or receiver, that the chief engineer, or his assistant, will meet the company at the place where the proposed ditch, drain or water course crosses the right of way of such company, said notice fixing the time of such meeting, which shall not be less than ten days after the service of same, for the purpose of conferring with said railroad company relative to the place where and the manner in which such improvement shall cross such right of way. When the time shall arrive fixed for such conference, unless for good cause more time is agreed upon, it shall be the duty of the engineer and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvement shall cross such right of way. If the engineer in charge and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the engineer, he shall determine the place and manner of crossing the right of way of said railroad company, and shall specify the number and size of openings, and so state in his report. Said engineer shall make an estimate of the cost of said work, and plans and specifications therefor, and file the same, together with all maps, profiles, etc., with the county clerk, and the same shall be made a part of the record of said proceedings. All such maps, profiles, plans and specifications, together with the report of the engineer

and all exhibits, filed therewith, shall be made in duplicate by the engineer—one to be marked original, and the other duplicate. The original shall not be withdrawn from the custody of the clerk, but the duplicate may be withdrawn for use by the viewers, the board of drainage commissioners, or for use on the work by the engineer or contractor, receipted for by the person or persons so withdrawing same, and returned in due time.

§ 9. When such report of the engineer is filed, the board of drainage commissioners shall meet and receive and adopt the same, with such modifications, if any, as may be determined upon, and notify the county judge of such action by it. Within ten days thereafter, the county judge shall enter an order referring said proceedings to the original viewers for the purpose of assessing damages, and making classification of the lands for the assessment of same, as hereinafter directed, and it shall be the duty of the county clerk to notify the viewers of such action by the county judge, and set a day for them to meet at the county clerk's office of the county in which the proceeding is pending. Unless the time is extended the viewers shall file their report within sixty days from the time said order of re-reference was entered.

§ 10. The said viewers shall meet on the day named in the notice, or as soon thereafter as practicable, and proceed with their work, for which purpose they will be furnished by the clerk with the duplicate plan of drainage adopted by the drainage commissioners. The viewers shall, as soon after their first meeting as possible, go over and inspect and examine the lands in said district, the railroad rights of way, roadbeds, bridges, culverts, depot grounds, grades and all other railroad property in said district; and shall also inspect and examine all other improvements, highways and

bridges belonging to any county or corporation and which may be affected by the proposed drainage, and shall also examine ditches, drains, ponds, lakes, creeks and water courses within the district, or which may be partly within and partly without said district. A majority of said viewers shall control and decide all questions. The viewers shall classify the land in the district with reference to the benefit it will receive from the construction of the levee, ditch, drain or other improvement. In the case of drainage, the degree of wetness of the lands, its proximity to the ditch or a natural outlet and the fertility of the soil shall be considered in determining the amount of benefit it will receive by the construction of the ditch. The land benefit shall be separated in five classes. The land receiving the highest benefit shall be marked "Class A;" that receiving the next highest shall be marked "Class B;" that receiving the next highest benefit, "Class C;" that receiving the next highest benefit, "Class D," and that receiving the smallest benefit, "Class E." The holding of any one land owner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be separately marked on the ground or shown on the map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be obtained and presented in tabulated form. The scale of assessment to be made by the board of drainage commissioners upon the several classes of land returned by the viewers shall be in the ratio of five, four, three, two and one; that is to say, as often as five mills per acre shall be assessed against the land in "Class A;" four mills per acre shall be assessed against the land in "Class B;" three mills per acre in "Class C;" two mills per acre in "Class D," and one mill per acre in "Class E." This

shall form the basis of the assessment of benefits to the lands for drainage purposes: Provided, however, That if by reason of existing conditions in any district, the viewers shall believe that substantial injuries will be done any land owner or land owners by strict conformity to the five class rule above, the classification may be so changed by diminishing or increasing the number of classes, as to conform to such conditions, in which event such explanation shall be made by the viewers as will indicate to the board of drainage commissioners the ratio of assessment for such changed classification as compared with the classification herein provided for, and in calculating the assessment against any land owner, the said drainage commissioners shall follow the classifications so made. The viewers shall keep an accurate account and report to the court the name and number of days each person was employed on the survey, and the kind of work done and any expenses that may have been incurred in going to and from the work, and the cost of any supplies or material that may have been used in making the survey. In case the work is delayed by highwater, sickness or any other good cause, and the report is not completed at the time fixed by the court, the viewers shall appear before the court and state in writing the cause of such failure and ask for sufficient time in which to complete the work, and the court shall set another date by which the report shall be completed and filed. The viewers shall in no case change or modify the plan for drainage adopted as hereinbefore provided for. Said report shall contain a statement of the estimated cost of the works and improvements to be made in said district, and shall also contain a description of all the lands in said district, and the names of the owners thereof, and a general description of all the railroads, rights of way, roadbeds and depot grounds, and the names of the corporation or corporations to which they

belong at the date of the decree of the court organizing said district.

§ 11. When any public ditch, drain or water course, established under the provisions of this act, crosses a public street or highway, the actual cost of constructing the same across the street or highway, or removing old bridges or building new ones shall be paid for from the fund of the drainage district. Whenever any street or highway within the levee or drainage district shall be beneficially affected by the construction of any improvement or improvements in such district, it shall be the duty of the viewers to assess and give in their report the amount of benefit to such street or highway, and process shall be issued against the county, city or incorporated town, owning or controlling same. Such county, city or town shall have the right to appear before the court and file its exceptions the same as any land owner, and shall be liable for and shall pay the amount finally assessed against it, which may be recovered by suit in the name of the board of drainage commissioners.

§ 12. The viewers shall also assess the benefits that will accrue to the right of way, roadbed and other property of any railroad company by affording better drainage or a better outlet for drainage, but no benefits shall be assessed because of the increase in business that may come to said road because of the construction of the improvement. The benefits shall be assessed at a fixed sum, determined solely by the physical benefit that its property will receive by the construction of said improvement, and it shall be reported by the viewers as a special assessment, due personally from the railroad company as a special assessment; it may be collected in the manner of an ordinary debt in any court having jurisdiction. The county clerk shall issue process against such railroad company so assessed, and it shall have

the same right to file exceptions, that is herein given to land owners, the proceeding, as well as the right of appeal, to be the same as herein provided for, but any such appeal, if taken, shall not delay or defeat the construction of the improvement.

§ 13. After the contract is let and the actual construction is commenced, if the work is being done with a floating dredge, the superintendent in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right of way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the superintendent of construction, and arrange the exact time at which work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other obstructions as may be necessary to permit the dredge to excavate the channel across its right of way. The work shall be so planned and conducted as to interfere in the least possible manner with the business of said railroad. In case the railroad company refuses and fails to remove its track and allow the dredge to construct the work on its right of way it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of fifty dollars per day for each day of delay, to be collected by the board of drainage commissioners for the benefit of the drainage district as in the case of other penalties. Such penalty may be collected in any court having jurisdiction and shall inure to the benefit of the drainage district. Within thirty days after the work is completed, an itemized bill for the actual expense incurred by the railroad company for opening its tracks shall be made and presented to the superintendent of construction of the drainage improvement. Such bill, however, shall not include the cost of putting in

a new bridge or strengthening or enlarging an old one. The superintendent of construction shall audit this bill, and, if found correct, approve the same and file it with the secretary of the board of drainage commissioners. The commissioners shall deduct from this bill the cost of the excavation done by the dredge on the right of way of said railroad company at the contract price, and pay the difference, if any, to the railroad company.

§ 14. It shall be the further duty of the board of viewers to assess the damages claimed by anyone that is justly right and due to them for land or property taken, injured or destroyed, because of the construction of the improvement, or for any other legal damages sustained, including the actual estimated amount saved on account of private ditches utilized. Such damage shall be considered separate and apart from any benefit the land would receive because of the proposed work, and shall be paid by the board of drainage commissioners when funds shall come into their hands. If any person or persons agree to waive such damages, such agreement shall be reduced to writing, and filed by the viewers with their report.

§ 15. When the final report is completed, and filed, it shall be examined by the court, and if it is found to be in due form and in accordance with the law, it shall be accepted, and if not in due form it may be referred back to the viewers, with instructions to secure further information, to be reported at a subsequent date to be fixed by the court. The chief engineer shall examine such report of the viewers, and may at this time recommend any changes in the plan of drainage, for final adoption by the board of drainage commissioners, and when so adopted, they shall become a part of the plan. When the report is

fully completed and accepted by the court, and any changes in the plan, if any, adopted by the drainage commissioners, a date not less than twenty days thereafter shall be fixed by the court for the final hearing upon the report, and notice thereof shall be given by publication in one issue of a newspaper of general circulation in the county, if any, and by posting a written or printed notice on the door of the courthouse in each county in which lands affected are assessed, and at five conspicuous places throughout the district, such publication to be made for at least two weeks before the final hearing. During the time a copy of the report shall be on file in the office of the clerk of the county court in which said proceeding is pending, and shall be open to the inspection of any land owner or person interested within the district.

§ 16. If it shall be necessary to acquire a right of way, or any outlet over or through lands not affected by the drainage, and the same cannot be acquired by purchase, then and in that event the power of eminent domain is hereby conferred and the same may be condemned by the board of drainage commissioners. Such owner or owners of the land sought to be condemned shall be made parties to the proceedings, and the procedure for the condemnation of such lands shall be substantially as provided for the condemnation of rights of way for railroads, and such damages as may be awarded shall be paid by the board of drainage commissioners of the county out of the first funds available, and before the land is taken, injured or destroyed, unless the party entitled thereto shall waive such payment in advance.

§ 17. All maps and profiles filed in the record may be made in duplicate, and in the event lands in other counties other than the one in which the proceeding is pending

are affected, in additional copy shall be made to be filed with the county clerk of such other county. The county clerk of each county shall provide a suitable record book to be known as the "Drainage Record," in which he shall enter or copy every order, judgment or finding of the court or judge, as well as all reports, orders or findings of the board of viewers. When lands in other counties are affected or assessed, copies of all such records shall be made by the clerk, and they, together with the extra copy or copies of maps and profiles shall be certified by him to the county clerk of such other county or counties, where they shall be recorded in like manner.

§ 18. After the said drainage or levee district shall have been declared established, and the final report of the viewers as changed or modified by the court, approved or confirmed, the court shall refer the whole proceeding to the board of drainage commissioners for further proceedings.

§ 19. At any time before the expiration of the time for filing exceptions to the viewers preliminary report, as provided in Section 4 hereof, the land owners in the district whose lands are reported as likely to be affected, may file their separate or joint cross-petition in the said proceeding, signed by them, their duly authorized agent or attorney, praying permission of the court to organize a separate drainage district and corporation, free from, and independent of, the board of drainage commissioners of the county, upon which no process need issue. The case shall be set for hearing on such cross-petition for a day not earlier than ten days from the entry of the order, but the time of such hearing may be continued from time to time in the discretion of the court. The county judge shall examine such petition, and hear evidence thereof, if necessary to the proper determination of the question presented.

If it shall appear that the names signed to said petition or petitions, own fifty per cent or more of the total number of acres of land in the district reported by the viewers as likely to be assessed, and constitute at the same time one-fourth or more of the total number of land owners named in the preliminary report as likely to be affected, the prayer of such cross-petitioners shall be granted, and a separate drainage district and corporation established under the name and style of the "board of drainage commissioners of district No. ....., ... County, Kentucky." If it shall appear that such cross-petitioners own less than fifty per cent of the total number of acres of land to be benefited, or, if owning fifty per cent or more of the land, they constitute less than one-fourth of the land owners named, the cross-petition shall be dismissed. The hearing on such cross-petition shall be in a summary manner, and without the intervention of a jury in the county court, but subject to the right of appeal to be taken within the same time, and in the same manner, as appeals from judgments on the viewers' report.

§ 20. Within ten days after the judgment or order of the court establishing a separate drainage corporation becomes final, or as soon thereafter as practicable, the county judge shall, by order, and with the advice and assistance of the engineer, divide the district into three precincts, as near equal in area of lands reported as benefited, as is practicable, and shall call a meeting of the land owners affected, to be had at some public place in the county in which the proceeding is pending, and shall fix the day and the hour of the day for such meeting, all to be shown in the order. The date for such meeting shall be not less than twenty days from the entry of the order calling the same, and at least fifteen days prior to the day set, the county

clerk shall give notice of such meeting in the manner hereinafter provided. The land owners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; and at such election each and every acre of land, as near as may be arrived at by estimate, or from the evidence heard before the county judge on the cross-petition, shall represent one share, and each owner shall be entitled to one vote for every acre of land estimated to be owned by him in such district; at such election the name of at least one person shall be put in nomination for the office of commissioner from each of the three precincts as theretofore defined by the county judge as hereinabove provided; and the one person from each of the three different precincts receiving the highest number of votes shall be declared elected as commissioner; and they shall immediately by lot determine the terms of their office; which shall be respectively, one, two and three years, and shall serve until their successors are elected and qualified. Every year after the election of the first board of commissioners, at such time and place in said district as the board of commissioners may designate, and upon not less than fifteen days' notice, as herein provided, the owners of the lands in such district shall meet and elect one commissioner in like manner as in the preceding section, who shall be an owner of land in the same precinct as that in which the commissioner whose term is about to expire owns land, and shall hold office for three years, and until his successor is elected and qualified, and in case of a vacancy in any office of commissioner, the remaining commissioners may fill such vacancy with some person having such precinct qualification, until the next annual election, when a successor shall be elected for the unexpired term, also having such qualification; the notice required by this section shall be given by publication in one issue of some

newspaper published at the county seat of the county in which such district was organized, if any, and by posting not less than five written or printed posters in different public places in the district. A commissioner whose term is expiring, shall be eligible for re-election.

§ 21. The persons elected on the district board of drainage commissioners shall qualify and organize in the same manner as herein provided for the qualification and organization of the county boards, and shall thereupon be and become a body corporate under the name and style above given, with like powers, and duties and responsibilities, within their respective districts, as is herein conferred upon the county boards of drainage commissioners, and with full jurisdiction and control over the work provided for and established under the proceeding in which their election was provided for, or connected therewith. Such district boards, organized as herein set forth, shall be and continue in existence only so long as shall be necessary to complete the work in said proceeding provided for, and to pay off all bonds, if any, as shall have been issued. When said work is completed and paid for, and the bonds issued by the district shall have been fully paid off and satisfied, then the public levee, ditch or drain of said district, established and constructed by said district board, shall be turned over to the county board of drainage commissioners, and said district board shall then cease to exist, the district to continue by the same name or number under the jurisdiction and control of the county board: Provided, however, That until all bonds issued by the district board are paid off, as herein provided for, and the work turned over to the county board, the district board of drainage commissioners shall have the same authority to levy the maintenance assessments to keep the same in repair, that the county board could levy, and to do

any other act or thing in connection with the district that the county board could do.

§ 22. The decree and order of the court by which any drainage district shall be organized under this act may be amended at any time by correcting the name of the landowners, by adding or omitting any such names, and by adding, or omitting or correcting the descriptions of any lands within the district, or alleged to be within the boundary thereof, or by amending the decree of incorporation in any manner which may be necessary to better carry out and fulfil the object and design of the drainage district; and when any such amendments are desired, the board of commissioners shall present a supplemental petition to the court having jurisdiction, in which petition shall be set forth the amendments desired, with the name of the owner and a description of the lands affected by the proposed amendment, or correction, and if the owner of said lands be not a party to the original proceedings, he shall be brought before the court in the same manner, and with the same rights to have all questions adjudicated and determined, as original parties to the proceeding.

§ 23. Any drainage district, organized under the provisions of this act, may be enlarged and the boundaries extended so as to include other lands contiguous thereto, in the following manner: The board of drainage commissioners may present a petition of the corporation to the county court organizing said district, asking that the boundaries of the district be extended and such outlying lands included in and made a part of the district, particularly describing such lands and giving the names of the owners thereof. When such petition is filed, the owners of the lands to be so included in such district shall be brought before the court

in the same manner as original parties to the proceeding, and with like right to such owners to protest against such proposed action, or file exceptions thereto. If no objections are made to the petition, the court shall order the lands included, and the boundaries enlarged or extended as prayed; but if objections are made thereto, the court shall hear such objections, and shall order all or any part of such lands included as it may appear just, and the boundaries shall be ordered changed accordingly, and the lands so included shall be subject to all dues, assessments and liabilities, and entitled to all the benefits and privileges of said district the same as the lands originally incorporated. The owner or owners of any lands contiguous to any such district may by petition to the court and with the consent of the board of commissioners have their lands annexed to such district on such terms as the court may deem just; but after such lands are so annexed they shall be part of the district in all respects the same as the other lands in such districts.

§ 24. Nothing in this act shall be so construed as to deprive the fiscal court, or other governing authority of any county, of its jurisdiction and control over any levee, ditch or drain, established or constructed, or which may be established or constructed, by authority of such fiscal court or governing authority of such county, payment for which was made, or shall be made, by general taxation, or out of the public revenue of the county, and all such public levees, ditches or drains, so established and constructed shall be and remain under the jurisdiction and control of such governing authority of the county: Provided, however, That any such drain so established and constructed may be utilized as an outlet for any ditch, or drain which may be established hereunder; and provided, further, that the governing authority of such county may, in its discretion, delegate to the board of drainage commissioners jurisdiction and control over

such levee, ditch or drain, so established by it, upon such terms and conditions as may be agreed upon between them, such agreement to be reduced to writing, approved by the Fiscal Court, or other governing body of the county, and the board of drainage commissioners, and recorded upon the minutes of proceedings of both bodies. The Fiscal Court, or other governing authority of the county, shall have the right, when in its judgment the public interests and welfare justify it, to make appropriations for the purpose of aiding any drainage district, in constructing or keeping in repair any improvement provided for herein, or under the control of the drainage commissioners.

§ 25. The board of drainage commissioners may appoint a competent person as superintendent of drainage, who shall be subject to the orders of the board, and who shall look after and keep clean, open and in good condition, all public ditches, drains, creeks, levees and other improvements, established under this or any pre-existing law, or under the charge of said board. Such person shall furnish bond to be approved by the board, in such penal sum as the board shall prescribe, conditioned upon the honest and faithful performance of his duties, the same to be in favor of the board of drainage commissioners, and for the benefit of any party in interest. If no superintendent is appointed, the work herein provided for may be done by the chief engineer, or such other employees of the drainage commissioners as it may order or direct. In those counties in which a commissioner of ditches has been appointed under the act of March 27, 1908, such commissioners shall be and perform the duties of the superintendent of drainage, herein provided for, until the expiration of his present term of office. Such superintendent of ditches, with the approval and consent of the board of drainage commissioners, may employ such labor and assistance in the performance of his duties,

as may be necessary. All expense incurred shall be reported by such superintendent, or other employee, to the board of drainage commissioners, in which report shall be shown the ditch, drain or other improvement upon which said work was done, or expense incurred.

§ 26. Upon final reference to it by the court, of any drainage proceeding under this act, the said board shall cause notice in some newspaper published in the county wherein such improvement is located, if such there be, and such publication elsewhere as they may deem expedient, of the time and place of letting the work of construction of said improvement and in such notice they shall specify the approximate amount of work to be done and the time fixed for the completion thereof; and on the date appointed for the letting, they, together with the chief engineer, shall convene and let to the lowest responsible bidder, either as a whole or in sections, as they may deem most advantageous for the district, the proposed work. No bid shall be entertained that exceeds the estimated cost, except for good and satisfactory reasons it shall be shown that the original esimate was erroneous. They shall have the right to reject all bids and advertise again the work, if in their judgment the interest of the district will be subserved by doing so. The successful bidder shall be required to enter into a contract with the board of drainage commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties, in favor of the board of drainage commissioners for the use and benefit of the levee or drainage district, in an amount equal to fifty per cent of the estimated cost of the work awarded to him.

§ 27. The chief engineer in charge of construction shall make monthly estimates of the amount of work done, and furnish one copy to the contractor, and file the other

with the secretary of the board of drainage commissioners, and said board shall, within five days after the filing of such estimate, meet, and, if they approve the estimate, shall direct the secretary to draw a warrant in favor of such contractor for eighty per centum of the work done, according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary to the treasurer of the drainage fund, he shall pay the amount due thereon out of any funds in his hands, to the credit of that district. When the work is fully completed and accepted by the superintendent, he shall make an estimate for the whole amount due, including the amounts withheld on the provious monthly estimates, which shall be paid from the drainage fund as before provided.

§ 28. If any contractor to whom the whole or any portion of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the board of drainage commissioners against such contractor, and his bond in any court of competent jurisdiction, for damages sustained by the levee or drainage district, and recovery had against such contractor and his sureties. In such event the work may be advertised and relet in the same manner as the original letting.

§ 29. In the construction of the work the contractor shall have the right to enter upon the lands necessary for this purpose and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right of way of the improvement is through timber, the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins, and in case it is not removed by the landowner, it shall become the property of the contractor and

may be removed by him. All logs, stumps or other similar obstructions shall be cleared off the right of way for its full width by the contractor.

§ 30. The owner of any land that has been assessed for the cost of the construction of any ditch, drain or water course, as herein provided, shall have the right to use the ditch, drain or water course as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain or water course by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file his ancillary petition in such pending proceeding to the court, and have the same condemned in the same manner as now or as may hereafter be provided for the condemnation of right of way by railroads. When the ditch is constructed, it shall become a part of the drainage system and shall be under the control of the board of drainage commissioners and be kept in repair by them as herein provided.

§ 31. After the classification of the land and the ratio of assessment of the different classes to be made thereon has been confirmed by the court, the drainage commissioners shall prepare an assessment roll or drainage-tax duplicate, giving a description of all the land in said drainage district, the name of the owner, so far as can be ascertained from the public records, and the amount of assessment against each of the several tracts of land. In preparing this assessment roll, the board shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and private ditches, the costs of the proceeding and all wages paid or to be paid, including that of the board and its employees, and deduct therefrom any special assessment made against any rail-

road or highway, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefit received, as shown by the classification and ratio of assessment made by the viewers and confirmed by the court. This drainage-tax roll shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the drainage record and the other delivered to the county treasurer, and said assessment shall be a first and paramount lien against the lands assessed, subject only to the lien for State and county taxes. If lands in any other county are assessed, a copy thereof, so far as relates to lands in such other county, shall be filed with the county clerk of such other county or counties.

§ 32. If the total assessment against the land shall be less than an average of twenty-five cents per acre, the assessment made against the several tracts shall be collected in one installment. In such case, after said drainage tax roll shall have been made out, and one copy delivered to the county treasurer, as above provided, notice thereof shall be given by publication in one issue of some newspaper of general circulation in the county, if any, and by posting one notice at the courthouse door in each county in which lands assessed are located, and at any time within thirty days thereafter, any land owner may pay the assessment against his land to the treasurer, who shall enter proper credit on said assessment roll. At the end of said thirty days the board of drainage commissioners shall recover said drainage tax roll from the treasurer, and deliver the same to the sheriff, or other collecting officer, accompanied with an order to collect the unpaid assessments shown thereon, and the sheriff or other collecting officer shall proceed to collect the same. If lands in any other county are assessed, a copy of such drainage tax roll, in so far as it relates to lands in

such other county, shall be certified to the sheriff or other collecting officer of such other county. Said drainage tax roll, when so placed in the hands of the sheriff or other collecting officer shall have the same effect as a tax against the lands assessed, and shall be collected in the same manner, as state and county taxes, except that in each instance the collecting officer shall add to the assessment shown the amount of his commission. If not paid by the 1st day of December following the date of such certification or order to collect, a penalty of six per cent shall be added and collected, and the sheriff or collecting officer shall proceed in all respects as provided by law for the collection of state and county revenue. In the case the total assessment exceeds the average of twenty-five cents per acre on all the lands assessed in the district, the said board of drainage commissioners may give notice by publication in one issue of some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse, in counties where lands assessed are located, and at five conspicuous places in the drainage district, that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any land owner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the county treasurer the full amount of his assessment and have his land released therefrom. Upon the production of such treasurer's receipt showing such payment, it shall be the duty of the county clerk or the secretary of the board, either one, to endorse such release upon the assessment roll, and report all such releases made by him to the board of drainage commissioners, which report shall be recorded on the record or minutes of such board. When the board shall be satisfied that any such assessment

has been paid, either from such receipt, or otherwise, it may order such release made in like manner.

§ 33. Each and every person owning land in the district, which is assessed for the construction of an improvement, who shall neglect or fail to pay the full amount of his assessment to the county treasurer within the time specified, shall be deemed as consenting to the issuing of said drainage bonds, and in consideration of the right to pay his assessment in installments, he thereby waives his right to any defense against the collection of said assessment because of any irregularity, illegality or defect in the proceedings prior to this time, except in the case of an appeal, as heretofore provided, which is not affected by this waiver. The term "person" as used in this act includes any firm, company or corporation.

§ 34. At the expiration of the thirty days after the publication the board of drainage commissioners may issue bonds for the full amount of the assessment not paid into the county treasurer, together with the interest thereon, costs of collection or other incidental expenses. These bonds shall bear six per cent interest per annum, payable annually, and shall be paid in ten equal annual installments. The first installment of the principal shall mature at the expiration of two years from the date of issue, and one installment each succeeding year for nine additional years. The commissioners may sell these bonds at not less than par and devote the proceeds to the payment of the work as it progresses. The bonds issued shall be for the exclusive use of the levee or drainage district specified on their face, and should be numbered by the board of drainage commissioners and registered in the drainage record, which record shall set out specifically the lands and the names of the owners thereof embraced in the district and covered by such bonds, on which the tax has not been

paid in full, and which is assessed for the payment of the bonds issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon the lands assessed for payment of said bonds and the interest thereon as they become due. The installment due from each tract of land, assessed for the payment of such bonds, shall be paid by the owner or owners thereof, to the treasurer, at least five days before the installment on the bonds are due. The board of drainage commissioners shall meet on or before the day such installment is due, and order warrants drawn for the payment thereof and the interest thereon. At this meeting or at any meeting thereafter held, the said board shall ascertain what assessments, if any, have not been paid, certify the same to the sheriff, or other collecting officer for collection, and the sheriff or other collecting officer shall forthwith proceed to collect the same, together with his commission thereon and interest at the rate of six per centum per annum, in the same manner as in the collection of State and county taxes. If not paid by the 1st of December following such certification, a penalty of six per cent shall be added and collected, and the sheriff shall proceed thereon in all respects as provided by law for the collection of State and county revenue. If any installment of principal or interest represented by the said bonds shall not be paid at the time and in the manner, when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against the board of drainage commissioners, wherein the court may issue a writ of mandamus against said drainage commissioners and its officers, including the tax collector and treasurer, directing the levying of a tax or special assessment as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installments of

principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bonds upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bonds of the sheriff or other collecting officer and county treasurer shall be liable for the faithful performance of the duties herein assigned them.

§ 35. Where the court has confirmed an assessment for the construction of any public levee, ditch or drain, and such assessment has been modified by a court of superior jurisdiction, but for some unforeseen cause it cannot be collected, the board of drainage commissioners shall have power to change or modify the assessment as originally confirmed to conform to the judgment of the court and to cover any deficit that may have been caused by the order of said court or unforeseen occurrence. The said relevy shall be made for the additional sum required, in the same ratio on the lands benefited as the original assessment was made.

§ 36. The fees of officers for services rendered under this act shall be the same as fees now allowed by law for similar services in other cases. Such fee shall be taxed as part of the costs. There shall also be allowed by the court and taxed as costs reasonable fees to the attorneys for the petitioners in the proceeding to establish such improvement. All of said costs shall be paid on the order of the court, out of the drainage fund. The compensation allowed for services of the engineers, viewers and other labor, whether professional or otherwise, unless paid out of funds deposited by the petitioners, shall likewise be paid on the order of the court out of the drainage fund, and if such expenses, or any

part of same, shall have been paid by the petitioners, or deposits for that purpose shall have been made by them, any amount so paid or deposited shall be refunded to them, without interest, out of said drainage fund. All of such costs and expenses shall be paid by the petitioners, in the event said improvement is not established, for which they shall be liable on their bond, to pay any person to whom the same is due. If any person who shall have performed labor in connection with the improvement up to the time of final reference to the drainage commissioners, including the engineers and viewers, shall desire the payment of the amount due up to that time, he or they make known their desire to the county judge, who shall thereupon notify the petitioners of such fact in writing, giving the amount necessary to pay such amounts so demanded and call upon the petitioners to deposit with the county treasurer a sufficient amount to pay the same. Such notice may be given to the petitioners, or to their attorney of record in said proceeding. It shall then be the duty of the petitioners to deposit said amount within thirty days from the date of receiving such notice, and upon their failure to pay the same within that time, the proceeding may be dismissed at the cost of the petitioners. The treasurer shall pay out the money so deposited upon order or warrant of the board of drainage commissioners, if then appointed, and if not, on order of the county judge. The compensation to be paid the engineer constituting one of the viewers shall be fixed by the court at or before the time of his appointment by order entered of record. The other viewers shall receive for their services the sum of four dollars per day for the time actually engaged in performing their duties; rodmen, chain carriers and other laborers employed in the work shall receive not exceeding two dollars per day for their services. Fees or compensation for any service not herein otherwise fixed or provided for shall be fixed by the court or judge, or if employed by the drainage commissioners, the same shall

be fixed by them. The treasurer shall only pay out money on warrants drawn by the board, signed by its president and countersigned by its secretary, except as herein otherwise provided.

§ 37. The power of appointment under the provisions of this act shall carry with it the power of removal at any time in the discretion of the appointing authority, or his or their successors in office.

§ 38. The board of drainage commissioners shall keep, or cause to be kept, a true and correct account, as far as the same is practicable, of the time spent by them, by the engineer, superintendent and all other employees, and of each item of expense incurred, upon or in connection with any district, or system of drainage, and charge the same to the district or system for which the same was done. Where the time or work is upon more than one district at the same time, it shall be apportioned between them. In the event any compensation fixed by the board for superintendent, secretary or other employee is on a salary basis, such salary shall be apportioned by the board in such manner as shall seem to them equitable, and charged to and paid out of the funds to the credit of the several districts or systems of improvement under their charge.

§ 39. Except as herein otherwise provided, all improvements established or constructed under the provisions of this act, as well as all public ditches, or drains established or constructed under pre-existing laws, shall be under the control and supervision of the board of drainage commissioners of the county having jurisdiction of the proceeding. It shall be the duty of the said board to keep all such levees, ditches, drains or like public improvements under its charge, open, free from obstructions and in good repair. For the purpose

of providing funds to pay the compensation herein provided to the board of drainage commissioners, its agents, servants and employees, outside of that portion of same which shall be provided for and paid out of the original assessment on any drainage district, as well as to pay the cost and expense of repairing, keeping open and looking after the various public ditches, drains and like improvements under the charge of said board, the lands in each drainage district, which may be established under this act, as well as the lands assessed for each public ditch or system of drainage established under pre-existing laws, shall be and the same are hereby authorized to be assessed, in proportion to the original assessment made, or which may be made against them for the original establishment and construction of such system of drainage: Provided, however, That no assessment for such purpose in any one year shall exceed ten per centum of the original assessment against such lands. The proportion of assessment against the lands originally assessed in each district or system of drainage shall be estimated and made by the board of drainage commissioners, and upon this assessment, so made, said board shall make out the tax roll in duplicate, in the same manner as provided in Section 29 hereof for original assessments hereunder, and the same shall have the same effect, and be collected in the same manner. All amounts collected by the sheriff, or other collecting officer, shall be kept separate and deposited by him with the treasurer, who shall keep the accounts for each district or system separate, and all warrants drawn shall specify the account out of which it shall be paid, and to which it shall be charged.

§ 40. Whenever any public ditch, or drain, established and constructed under this act, or any pre-existing act, empties into a natural drain, creek or non-navigable water course, such natural drain, creek or non-navigable water course from the mouth of such public ditch or drain to the

mouth of such natural drain, creek, or non-navigable water course shall be and is hereby declared to be to all intents and purposes, a public ditch, and subject in the same manner as other public ditches to the supervision and control of the board of drainage commissioners of the county: Provided, however, That if such natural drain, creek or non-navigable water course below the mouth of such regularly established public ditch extends into any other county or counties, the supervision and control of the board of the county in which such public ditch is located, shall not extend into such other county, beyond the mouth of any regularly established public ditch in that county, as now established, or as the same may be hereafter established.

§ 41. Whenever any obstructions exist in any natural drain, creek or non-navigable stream, constituting an outlet for any public ditch, as provided in the preceding section, and the removal of such obstruction shall be necessary, in the opinion of the board of drainage commissioners, for the successful operation of such public ditch or drain, the board may have such obstructions removed, paying the cost thereof out of funds collected from any district, ditch or drain, for which it is an outlet, and if there is more than one, then the expense shall be pro-rated between them, in such manner as said board shall deem just and equitable. If any repairs, to any improvement established or constructed under this act, or to any ditch, natural drain, creek or non-navigable stream placed under the charge and control of the board of drainage commissioners by the terms of this act, shall become necessary by reason of the act or negligence of any land owner through which it exists, his servants or agents, or if the same shall be made necessary by any stock of said land owner, his servants or agents, then such repairs as shall be necessary to restore it to its previous condition shall be made by such owner at his own expense. It shall be the duty of the superintendent

of drainage, or other person acting as such to notify such owners of such obstructions, and in the event such owners shall fail to remove the same within thirty days thereafter, the said superintendent shall have the same removed, paying the cost of same out of funds collected from any district ditch or drain for which it is an outlet, and if there is more than one, then the expense shall be pro-rated between them. All amounts so paid, with interest at the rate of six per centum per annum, shall be charged to the land owner in fault, and may be recovered by the board of drainage commissioners in any court of competent jurisdiction, and the same shall constitute a lien upon the land of such owner or owners, which may be enforced as other liens are enforced. When such amounts are recovered, if recovered, the same shall be returned to the fund or funds from which it was paid.

§ 42. Any person who shall acquire title, by purchase, devise, inheritance or otherwise, to any land affected by any proceeding under this act, after the preliminary report of the viewers is filed as herein provided for, shall be deemed privy to the person owning or in possession under claim of ownership at the time of filing such preliminary report, and shall be bound to the same extent as such owner at that time would be bound, if he had remained the owner. The land assessed shall in each instance be liable for the assessment against it, and each assessment and each installment of any assessment shall be paid by the owner in possession at the time such assessment or any installment thereof becomes due, but as between vendor and purchaser, and in the absence of any agreement to the contrary, the owner, in possession at the time such assessments are certified by the board of drainage commissioners to the treasurer, sheriff or other collecting officer for collection, shall be liable for the tax. Any land assessed for benefits under this act, in which one or more per-

sons own the life estate, with the remainder to some other person or persons, shall be assessed and classified as any other land by the viewers, and the name or names of both the life tenants and remaindermen reported, if known, and both brought before the court on process as herein provided. The tax shall be assessed against each such tract of land and may be paid by either the life tenant or the remainder, and when so paid, the owner or owners for life or in remainder, as the case may be, shall be liable to the one so paying the assessment for such proportion of the amount paid, as his interest in the property bears to the total property assessed, according to the life tables at the time in use in this State, to secure which the person so paying the same shall have, for his own benefit, the same lien that is herein provided for the original tax, which may be enforced by action in any court of competent jurisdiction. In like manner an owner of any undivided interest in lands assessed may pay the whole assessment and be entitled to like contribution and substitution.

§ 43. If any repairs to any improvement established or constructed under this act, or under the charge and control of the board of drainage commissioners, shall become necessary by reason of the act or negligence of any land owners through which such improvement is constructed, his servants or agents, or if the same shall be made necessary by any stock of said owner, his servant or agent, then such repairs as shall be necessary to restore it to its previous condition shall be made by such owner at his own expense, and upon his failure to make such repairs within thirty days after being notified by the superintendent of drainage, he shall be deemed guilty of a misdemeanor. It shall be unlawful for any person to injure, damage or in any way obstruct any water way or improvement established or constructed under this act, or placed under the control of the board of drainage

commissioners under the provisions hereof, or to place any flood gate therein, or bridge or fence across same, unless the privilege or right so to do shall first be obtained from the board of drainage commissioners, by order entered upon its record, in which shall be specified the kind and character of such flood gate, bridge or fence, and the same shall be erected in accordance with the said order, but not otherwise. Any person guilty of a violation of the provisions of this section of this act, shall upon conviction be fined not less than ten nor more than one hundred dollars. It shall be the duty of the superintendent of drainage to see that the provisions of this section are enforced.

§ 44. The provisions of this act shall not affect any proceeding now pending, to establish and have constructed any ditch, drain or water way; or to have constructed, straightened, widened or deepened any ditch, drain, creek or waterway now existing: Provided, however, That in any proceeding for the above purposes now pending in which no order of the court establishing the improvement prayed for has been entered, an amended petition may be filed by the petitioners, asking that said cause proceed under the provisions of this act, and the court shall, thereupon, order the viewers to make their report in conformity to the requirements of this act and all proceedings thereafter had shall be under the provisions of this act, and, provided, further, if the report of the viewers appointed by the court in any proceeding now pending for the above named purposes has been filed, but the parties whose lands are affected by and assessed for the improvement sought have not been duly summoned, the court may, upon the motion of the petitioners, order said report resubmitted to the viewers, who shall in thirty days thereafter file an additional or amended report to conform to the requirements of this act, and thereafter said proceeding shall continue and be presented under the provisions hereof.

§ 45. The aforesaid assessment roll, or tax book of the district as made up by the board of drainage commissioners shall be prima facie evidence in all courts that all steps necessary to be taken hereunder have been duly and properly taken, and that all proceedings are regular and valid. The liens established and declared in the preceding sections may be enforced by an action in the circuit court without regard to the amount of the claim, at any time after December 1st of the year for which said taxes were levied, at which last named date all unpaid drainage taxes shall become delinquent. The suit shall be brought by the board of drainage commissioners against the land or lands, property or properties, on which such drainage tax has not been paid. The suit shall be brought in the county in which the property is situate, except when the tract or property sued upon be in more than one county, in which event the suit may be brought on the whole tract, parcel or property, in any county in which any portion thereof may be situate. The pleadings, process, proceedings, practices and sales, in cases arising under this section shall, except as herein provided, be the same as in actions for the enforcement of other liens, but the right to institute such actions shall in no wise prevent sales by the sheriff or collecting officer, as in cases of delinquent state and county revenue.

The title acquired through any sale of lands under this act shall be subject to the lien of all subsequent annual installments of drainage tax. In all suits for the collection of delinquent taxes, the judgment for said delinquent taxes and penalty shall also include all costs of suit and a reasonable attorney's fee to be taxed by the court, recoverable the same as the delinquent tax and in the same suit. The proceeds of sales made under and by virtue of this section shall be covered into treasury of the district, and shall be accounted for by the treasurer the same as the drainage tax.

§ 46. The board of drainage commissioners may employ an attorney to advise said board. Such employment shall be evidenced by an agreement in writing, which, as far as possible, shall specify the exact amount to be paid to said attorney for all services and expenses. Such attorney shall conduct all legal proceedings and suits in court where the corporation is a party or interested, and shall in all legal matters advise the said board of drainage commissioners, all officers, employees, or agents of said district and board, and generally look after and attend to all matters of a legal nature for said board and district. Where no attorney is employed, such legal services shall be performed by the county attorney.

§ 47. If any warrants issued by the board of drainage commissioners are presented for payment to the treasurer, and are not paid for want of funds in the treasury, that fact shall be endorsed on the back of such warrant, or warrants, and said warrant thereafter shall draw interest at the rate of six per cent until such time as there is money on hand sufficient to pay the amount of said warrant and the iterest then accumulated.

§ 48. The treasurer of the county in which the drainage district is established shall be ex-officio treasurer of said drainage district, and the treasurers of the counties other than that in which the proceeding is or may have been pending shall pay over to him, any funds collected and paid over to them for the benefit of said drainage district, and shall take the receipt of said treasurer therefor, in duplicate, the original of which the treasurer paying the money shall keep for his own protection, and the duplicate shall be filed in the office of the clerk of the county court of the county of which the person receiving said money shall be treasurer. It shall be the duty of the treasurer who is the ex-officio treasurer of any drainage district, to pay any money in his hands, col-

lected as aforesaid, upon warrants signed by the president and attested by the secretary of the board of drainage commissioners of the district, when the same shall be presented for payment. In all cases where a county treasurer shall become treasurer of a drainage district, he shall be liable upon his general bond as county treasurer to the extent of any funds of such district entrusted to him; but he shall give a supplementary bond in such an additional sum as the board of drainage commissioners may require. As compensation for his services, the treasurer shall receive such amount as may be fixed by the board of drainage commissioners: Provided, however, That such compensation shall in no fiscal year exceed the sum of one thousand dollars. The act of February 27, 1893, relative to the office of county treasurer, and comprising Sections 928 to 938, both inclusive, of the Kentucky Statutes, defining the office, duties and compensation of the county treasurer, is hereby amended to the extent herein provided for.

§ 49. The provisions of this act shall be liberally construed so as to carry into effect the true intent and meaning thereof, and to promote the leveeing, ditching, draining and reclamation of wet, swampy or overflowed lands. If any part of this act shall be declared illegal, it shall not affect the remaining part thereof. The collection of the assessments shall not be defeated where the parties are properly before the court, on account of any irregularity in the proceedings which does not affect the substantial rights of the party complaining. Any party or their privies properly before the court under the Civil Code of Practice shall be deemed to be before the court for all purposes, and shall be bound by all orders, judgments and proceedings in the case not excepted to, or appealed from, in the menner herein provided for. The remedies herein provided for are exclusive of all other remedies. If, on appeal or otherwise, or for any cause, any person or

property shall be released, or any assessment raised or lowered, it shall in no maner affect the rights or liability of any other property or persons, and the failure to appeal within the time herein prescribed shall be a waiver of any right to attack the proceeding.

§ 50. All acts or parts of acts in conflict herewith are hereby repealed: Provided, however, That nothing herein shall be so construed as to repeal the act of March 19, 1894, same constituting Sections 2413 to 2417, Kentucky Statutes, or act of March 24, 1906, constituting Section 2417a, Kentucky Statutes (Carroll Edition 1909).

§ 51. Whereas, there are now pending in this State many proceedings for the establishment of drainage improvements wherein the parties desire to avail themselves of the provisions of this act; and whereas many other sections need more perfect drainage, and the land owners thereof are only awaiting the passage of this act to carry out said work; and whereas upon such proceedings, now pending, or about to be brought, depend the health, comfort, convenience and welfare of many sections of the State: Therefore an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Joe Hall	Luther C. Owings
Eugene G. Asher	Elwood Hamilton	A. W. Palmer
George Baker	V. D. Hammond	W. F. Parker
J. M. Bean	A. B. Hatton	J. R. Paxton
Eli Berry	A. B. Holland	William A. Perry
Thos. M. Bertram	James R. Howell	W. V. Perry
E. Bishop	R. Dillard Hunter	Marion F. Pogue
H. C. Bladés	Earl C. Huntsman	John A. Polin
John F. Brewer	Green R. Keller	W. A. Price
Wallace Brown	John G. Kelley	Stanley F. Reed
C. W. Burton	W. E. King	S. L. Robertson
G. E. Carroll	Charles H. Knight	W. H. Shanks
Henry Chunn	William J. Kuh	Walter S. Sinclair
Sidney G. Clay	James A. Leach	W. Scott Smith
W. Frank Cole	J. Albert Leach	Adam Spahn
Elkanah Dickey	F. A. Lochry	A. H. Stamper
G. L. Drury	B. J. Matthews	John G. Stoll
Ben F. Egleston	Harry J. Meyers	C. B. Thompson
J. H. Elder	S. F. Middleton	Louis B. Tieman
Eli Farmer	R. C. McClure	E. B. Wiley
S. Walton Forgy	Charles D. McCrea	David W. Wiley
John F. Fryer	Ben E. Niles	J. H. Williams
Allie T. Gaines	L. B. Owen	—68

Those who voted in the negative were—

D. Clarence Gray	T. J. Gregory	W. J. Jackson

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Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Huntsman moved that the rules be suspended and

that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 206. An act to amend and re-enact Section 4683a of the Kentucky Statutes.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4683a of the Kentucky Statutes be amended by striking therefrom the words "fifteen hundred dollars," and placing in lieu thereof, the words, "thirty three hundred dollars," so that said act when amended will read as follows: 4683a. There is hereby appropriated the sum of thirty-three hundred dollars per annum, to the State Treasurer for the purpose of securing additional clerical force in his office.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Whereas, on account of increased business in the Treasurer's office by reason of the increased number of securities filed by the insurance companies, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	A. B. Hatton	Luther C. Owings
Eli Berry	L. B. Herrington	J. R. Paxton
A. V. Bertram	John W. Holland	William A. Perry
E. Bishop	James R. Howell	W. V. Perry
John F. Brewer	R. Dillard Hunter	John A. Polin
Wallace Brown	Earl C. Huntsman	W. A. Price
C. W. Burton	Green R. Keller	Stanley F. Reed
Henry Chunn	W. E. King	S. L. Robertson
W. Frank Cole	M. C. Kirk	W. Scott Smith
Sidney J. Collins	Charles H. Knight	Adam Spahn
G. L. Drury	William J. Kuh	A. H. Stamper
Ben F. Egleston	James A. Leach	John G. Stoll
J. H. Elder	J. Albert Leach	C. B. Thompson
S. Walton Forgy	F. A. Lochry	E. B. Thompson
John F. Fryer	Harry J. Meyers	D. B. Thurman
Allie T. Gaines	S. F. Middleton	Louis B. Tieman
Joe Hall	R. C. McClure	B. S. Wilson
Elwood Hamilton	Charles D. McCrea	Edward L. Young
V. D. Hammond	Ben E. Niles	—57

Those who voted in the negative were—

Eugene G. Asher	W. J. Jackson	W. H. Shanks
J. M. Bean	John G. Kelley	Walter S. Sinclair
Thos. M. Bertram	B. J. Matthews	David W. Wiley
Alkanah Dickey	L. B. Owen	E. B. Wiley
Eli Farmer	A. W. Palmer	J. H. Williams
D. Clarence Gray	W. F. Parker	—19
T. J. Gregory	S. H. Rogers	

Resolved that the title thereof be as aforesaid.

Mr. Huntsman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hamilton moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 24. An act to create the Thirty-fifth Judicial District of Kentucky, and to change the Twelfth and Fourteenth Circuit Court Judicial Districts and to provide for the holding of courts in the said Thirty-fifth Judicial District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Thirty-fifth Judicial District shall consist of the counties of Anderson and Franklin. The Twelfth Judicial District shall consist of the counties of Trimble, Henry, Shelby, Oldham and Spencer. The Fourteenth Judicial District shall consist of the counties of Scott, Bourbon and Woodford.

§ 2. The courts of the said Thirty-fifth Judicial District shall be held at Frankfort, in Franklin County and at Lawrenceburg in Anderson County, at the times and for the number of days designated as follows:

At Frankfort on the first Monday in January and continuing forty-eight juridical days.

At Lawrenceburg on the first Monday in March and continuing twelve juridical days.

At Frankfort on the third Monday in March and continuing seventy-two juridical days.

At Lawrenceburg on the third Monday in June and continuing twelve juridical days.

At Frankfort on the third Monday in September and continuing forty-eight juridical days.

At Lawrenceburg on the third Monday in November and continuing twelve juridical days.

At Frankfort on the First Monday in December and continuing eighteen juridical days.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Hamilton offered the following amendment to said bill by way of substitute therefor:

That whereas, in order to give due regard to territory business and population as required by Section 128 of the Constitution, and

Whereas, the criminal and civil docket of the Franklin Circuit Court, including the State fiscal business, involving large sums and a great amount of litigation of vast importance to the State, renders it impracticable for the Circuit Judge of the Fourteenth Judicial District to dispose of the same without unreasonable delay and accumulation of costs, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Thirty-sixth Judicial District shall consist of the county of Franklin.

The Fourteenth Judicial District shall consist of the counties of Scott, Bourbon and Woodford.

§ 2. The courts of the said Thirty-sixth Judicial District shall be held at Frankfort, in said county of Franklin, at the times and for the number of days designated as follows:

January Term. Beginning on the second Monday in January and continuing forty-two juridical days.

March Term. Beginning on the first Monday in March and continuing forty-eight juridical days.

May Term. Beginning on the first Monday in May and continuing forty-two juridical days.

September Term. Beginning on the second Monday in September and continuig forty-two juridical days.

November Term. Beginning on the first Monday in November and continuing forty-two juridical days.

§ 3. That the presiding judge of said Franklin Circuit Court shall cause a grand jury to be summoned and empaneled at the January, May and September terms thereof in each year, but no grand jury shall be summoned and empaneled at any other term unless, in the judgment of the court, it may become necessary.

§ 4. The present Commonwealth's Attorney of the Fourteenth Judicial District who is now and has always been a resident of Franklin County, is to continue as the Commonwealth's Attorney, in this, the Thirty-sixth Judicial District, until the term for which he is elected from the 14th Judicial District has expired.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	V. D. Hammond	Luther C. Owings
Eugene G. Asher	A. B. Hatton	J. R. Paxton
J. M. Bean	L. B. Herrington	William A. Perry
Eli Berry	A. B. Holland	W. V. Perry
E. Bishop	James R. Howell	John A. Polin
H. C. Blades	R. Dillard Hunter	Stanley F. Reed
Wallace Brown	Green R. Keller	S. L. Robertson
C. W. Burton	John G. Kelley	Walter S. Sinclair
G. E. Carroll	W. E. King	Adam Spahn
Sidney G. Clay	Charles H. Knight	A. H. Stamper
Elkanah Dickey	William J. Kuh	C. B. Thompson
G. L. Drury	James A. Leach	D. B. Thurman
Ben F. Egleston	F. A. Lochry	Louis B. Tieman
J. H. Elder	Harry J. Meyers	E. B. Wiley
S. Walton Forgy	S. F. Middleton	David W. Wiley
John F. Fryer	R. C. McClure	J. H. Williams
Joe Hall	Charles D. McCrea	B. S. Wilson
Elwood Hamilton	Ben E. Niles	Edward L. Young

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Those who voted in the negative were—

A. V. Bertram	Eli Farmer	J. Albert Leach
Thos. M. Bertram	D. Clarence Gray	L. B. Owen
John F. Brewer	T. J. Gregory	W. Scott Smith
Sidney J. Collins	W. J. Jackson	E. B. Thompson

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Resolved that the title thereof be as follows, viz.:

"An act to create the Thirty-sixth Judicial District of Kentucky to change the Fourteenth Judicial District and to provide for the holding of courts in the said Thirty-sixth Judicial District.

Mr. Hamilton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Knight of the Committee on Military Affairs to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 405. An act to provide for the organization, armament equipment, discipline and government of the militia and amending Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, being an act of March 13, 1893, entitled an act concerning the militia of the Commonwealth of Kentucky and amendatory acts thereto.

Together with the substitute heretofore proposed therefor by the Committee on Military Affairs.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and amendatory acts thereto, being Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, be, and the same is hereby amended and re-enacted, so as to read as follows:

THE EXECUTIVE AND PROVISIONS APPLICABLE TO THE EXECUTIVE DEPARTMENT.

1. COMMANDER-IN-CHIEF.—The Governor shall be Commander-in-Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly. (Constitutional provision.)

2. AUTHORITY TO CONTROL.—The Governor shall exercise the authority of issuing the lawful orders to organize, equip and discipline the militia, so that it may conform as nearly as practicable to the regulations for the government of the armies of the United States.

3. GOVERNOR MAY DISBAND AND MUSTER OUT.—The Governor may disband and muster out of the service any organization or part of same, falling below the proper standard of efficiency, which shall be determined by him from inspections and reports thereon.

4. CODE.—The Governor is authorized to make and publish a code of regulations for the government of the militia, which shall, so far as consistent, contain the Articles of War

and the regulations governing the United States Army, or such modifications as may be applicable.

ADJUTANT GENERAL'S OFFICE.

5. THE ADJUTANT GENERAL'S OFFICE.—The personnel of the Adjutant General's Office shall consist of one brigadier general, who shall be the Adjutant General and Chief of Staff; one colonel of the Adjutant General's Department; one captain of the Ordnance Department, who shall be the Arsenal Superintendent; all of whom shall be appointed by the Governor; and such officers as may be necessary, who shall be detailed by the Adjutant General from the Kentucky National Guard, and such stenographers and other assistants as may be necessary, to be employed by the Adjutant General. The Adjutant General, the colonel of the Adjutant General's Department, and the Arsenal Superintendent shall hold office for a term of four years, or at the pleasure of the Governor; Provided, That no person shall be appointed by the Adjutant General or colonel in the Adjutant General's Department, who has not served as an officer, three years in the National Guard, or the regular or volunteer armies of the United States, or for three years in the three services combined, and who has not attained the grade of major in the National Guard or captain in the regular or volunteer armies of the United States.

6. DUTIES OF THE ADJUTANT GENERAL.—The Adjutant General shall perform such duties as are prescribed by law and such other military duties consistent with the regulations and customs of the United States Army, as may be required by the Governor. The Adjutant General is charged with the duty of supervising all troops of the line and all departments, arms and branches of the Kentucky National Guard. Such supervisory power covers, primarily, duties pertaining to the

command, discipline, training and recruitment of the militia, military operations,distribution of troops, inspections, armament, military education and instruction and kindred matters connected with fiscal administration and supplies. The Adjutant General shall, from time to time, prepare and publish by the order of the Governor, such orders and regulations consistent with law, as are necessary to bring the organization, armament, equipment and discipline of the Kentucky National Guard to a state of efficiency as nearly as possible approaching that of the United States Army. The Adjutant General shall also prepare returns to the Secretary of War at such times and in such form as the Secretary of War shall prescribe, of the strength of the militia, and such reports as may, from time to time, be required by the Secretary of War.

The State Arsenal, all military store houses, places for encampments and rifle ranges, owned by the State, or leased by the State or the United States for the State, all military property of the State, and all military property of the United States issued to the Governor of Kentucky, shall be immediately under the control of the Adjutant General, under the general direction of the Governor.

The Adjutant General shall establish and maintain as part of his office, a bureau of war records in which all records relating to wars and relics shall be kept. He shall be the custodian of all such records, relics, colors, standards and battle flags, now the property of the State, or in its possession, or which the State may hereafter secure or become possessed of.

7. Law to be Indexed, Printed and Distributed.—It shall be the duty of the Adjutant General to index and properly prepare this law and such regulations as the Governor may add thereto, and have the same printed and distributed

for the information and guidance of the officers and enlisted men of the Kentucky National Guard.

8. In the Absence of the Adjutant General—Officer to Act.—In the absence or inability to perform the duties of the Adjutant General, the senior officer on duty in the Adjutant General's office shall perform the duties prescribed for the Adjutant General.

Military Establishment—General Provisions of Organizations.

9. Persons Who Constitute—Divided Into Two Classes.—The militia of the State of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or the United States, and shall be divided into two classes:

1. The Organized Militia, to be known as the Kentucky National Guard.

2. The reserve militia, consisting of all other persons liable to military service.

10. Military Duty—Persons Exempt From.—The members of the Kentucky National Guard who serve, or have served, two consecutive terms, all civil officers except notaries public, while holding office, and those persons having conscientious scrpules against bearing arms who pay such equivalent for the services as may be prescribed in the proclamation of the Governor calling them into active service as part of the reserve militia, shall be exempt from military duty, but the enlistment, or re-enlistment, of any persons in this

section mentioned, shall be deemed a waiver of their exemption.

11. OFFICER—SOLDIER—DEFINITION—CONVICTION BY CIVIL COURTS.—The word officer, as used in this action, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, and privates and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by civil courts, except when military courts are specified.

12. NATIONAL GUARD UNITS—HOW ORGANIZED.—When it is desired to organize a unit of the Kentucky National Guard in any county, a written application signed by the minimum number of eligible persons, which minimum number shall be prescribed by the Governor in orders, shall be submitted to the County Judge for his written approval. If approved by the County Judge, the application shall be forwarded to the Adjutant General. Should the Governor approve the application, he shall direct that proper steps be taken to muster the unit into the State service, as a part of the Kentucky National Guard. After a unit has been mustered into the service, recruits may be enlisted by such officer as the Governor may designate.

13. COUNCIL OF ADMINISTRATION—POWERS AND DUTIES OF.—Each regiment and separate battalion may have a council of administration, composed of its officers, which shall be charged with the care and control of the fiscal affairs of the organization, may adopt suitable by-laws, effective on the approval of the Governor, and may elect not more than twenty-five honorary members for each company, battery, troop or equivalent unit; said honorary members to be entitled to exemption from jury service, upon their payment annually, or

oftener, as the council shall so determine, of a sum not less than ten dollars; and the money thus obtained shall be for the use of the regimental or battalion fund, to be expended by the commanding officer in such manner as, in his judgment, the interests of the organization require. Each unit, not under the control of a regimental or battalion council of administration, may also have a council of administration, composed of its officers, and it shall have the same powers as prescribed herein for a regiment and separate battalion.

14. TEMPORARY ABSENCE OF NATIONAL GUARD FROM STATE. —When the Kentucky National Guard shall be called into the service of the United States to serve without the State, the Governor shall have power to organize and muster into the service, such force as may be necessary in the temporary absence of the National Guard, but such force so organized shall be disbanded upon the return of the National Guard to the State.

GENERAL OFFICERS, STAFF AND DEPARTMENTS.

15. ORGANIZATION OF THE KENTUCKY NATIONAL GUARD.— The Kentucky National Guard shall consist of the general officers commanding the divisions and brigades, where such units are organized; the staff corps and departments necessary to provide staff officers and enlisted men, viz.: a chief of staff, an adjutant general's department, an inspector general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a medical department, a pay department, a corps of engineers, an ordnance department, a signal corps and such bodies of cavalry, infantry, field artillery, and other arms of the service as may be provided by the laws of the State of Kentucky or prescribed by the Governor in orders.

16. STAFF CORPS AND DEPARTMENTS.—Officers of the staff corps and departments shall be appointed from the Kentucky National Guard by the Governor, and, except as hereinafter provided, shall hold office for a term of three years, or at the will and pleasure of the Governor.

17. STAFF OF THE GOVERNOR.—The staff of the Governor shall consist of the Adjutant General and such other officers and honorary members as the Governor may designate.

18. STAFF OEEICERS MUST BELONG TO STAFF CORPS OR DEPARTMENT.—Officers appointed on the staff of a division or brigade must belong to some staff corps or department, or to the line, and be detailed for duty on such staff by order of the Governor.

COMMISSIONED OFFICERS.

19. ELIGIBILITY FOR APPOINTMENT OR ELECTION TO COMMISSIONED OFFICE.—All appointed and elected officers, except those of the Judge Advocate General's Department, Medical Department, and Engineer Corps and chaplains shall be appointed, or elected from the officers and enlisted men of the Kentucky National Guard.

20. COMMISSIONED STAFF—APPOINTMENT AND REMOVAL.—The appointment or removal of staff officers by divisions, brigades, regimental, or battalion commanders, shall become effective when confirmed by orders of the Governor.

21. MEDICAL OFFICERS.—Medical officers shall be commissioned with the rank of first lieutenant, and on completing three consecutive years of service may be promoted to the grade of captain, and on completion of five consecutive years in that grade may be promoted to the grade of major.

22. CHAPLAINS.—Chaplains shall be commissioned with the rank of first lieutenant, and on completing seven consecutive years of service may be promoted to the grade of captain.

23. ELECTION OF OFFICERS.—Elections shall be ordered by the Governor, reasonable notice being given, to fill vacancies that may occur by expiration of term of office, or otherwise. All officers, except staff corps, department and staff officers, shall be elected by a majority of the votes cast by their respective commands, a majority of the members of their respective commands being present and voting.

Elections shall be held by officers designated in orders by the Governor and a certified statement concerning the result shall be made by such officers, on a form furnished by the Adjutant General, which certified statement shall be immediately forwarded to the Adjutant General, who shall, without delay, cause an order to be issued announcing the name, or names, of the officer, or officers, elected.

24. FAILURE TO FURNISH BOND.—Should any officer appointed, or elected, fail to quality by furnishing the prescribed bond, within ten days after his appointment, or election, the office shall be deemed vacant.

25. EXAMINATIONS.—Before receiving a commission, by reason of an appointment, or election, or before being commissioned to a higher grade by result of promotion, every officer of the Kentucky National Guard must have passed a satisfactory physical examination before a designated medical examiner, and a satisfactory examination before a board of examination officers of the Kentucky National Guard, as to his knowledge of military affairs and general knowledge and fitness for the service, and anyone failing to pass such examiation shall be dropped from the roster of of-

ficers and shall not, within the period of one year, be eligible for an office in the Kentucky National Guard, or for promotion: Provided, That general officers and officers of the staff of the Commander-in-Chief, chiefs of departments and corps, and colonels commanding regiments, who have been previously commissioned after examination, engineer officers, judge advocates, chaplains, and medical officers shall be exempt from any examination other than the physical examination.

26. TERM OF OFFICE—DATE OF RANK.—Except as hereinbefore provided, all officers shall be appointed, or elected, for a period of three years, and, in the event of re-appointment, or re-election, in the same grade, an officer's rank shall date from the original date of appointment, or election.

27. SENIORITY.—Seniority in rank shall be determined by the length of continuous service in the same grade, whether by appointment or election.

28. HOLDOVERS.—When a term of office expires without an appointment having been made, or an election having been held, the officer shall contiuue to hold office until his successor has been appointed, or elected, and has qualified by furnishing the required bond.

29. COMMISSION—OATH OF OFFICE.—When an officer has fully qualified, he shall be issued a commission signed by the Governor, which shall date from the time of his last appointment, or election. Each officer shall, on receiving his commission, take the oath of office prescribed in the Constitution of the State of Kentucky, and in addition thereto, the following: "And I further swear that I will well and truly execute and obey the lawful orders of all officers, legally placed over me, when on duty." The oath of office and the obligation

prescribed herein shall be administered by any civil officers competent to administer oaths, who shall endorse on the commission the fact of qualification, and, in addition, shall furnish the officer with a certificate on a form furnished by the Adjutant General, that the oath has been administered and the obligation taken. The certificate shall be immediately forwarded to the Adjutant General of Kentucky.

30. OFFICERS' UNIFORMS, ARMS AND EQUIPMENTS.—Upon being commissioned, officers shall provide themselves with the proper uniforms, arms, and equipment, prescribed by regulations, and shall maintain same in a state of servicable condition during their term of office. The uniform or insignia of rank prescribed for officers of the Kentucky National Guard shall be worn by persons entitled thereto, by commission, under the laws of the State or of the United States, or of another State of the United States. Any person violating any provision of this section shall be punished by a fine of not more than one hundred dollars.

31. GOVERNOR'S POWER TO VACATE COMMISSION.—The Governor shall have power to vacate the commission of any officer who absents himself from his command without leave for thirty days, and to discharge in the interests of the service, any enlisted man who absents himself from his command for thirty days without leave, or who absents himself from four consecutive drills without proper authority.

32. DISMISSAL OF ELECTIVE OFFICERS.—The Governor may dismiss an officer who has been convicted of a crime, but in no other case, except as provided herein, shall an elective officer be dismissed from the service without his consent, except on the sentence of a general court-martial, or the findings of a board of examination.

33. RESIGNATIONS.—Resignations of officers must be in writing, addressed to the Adjutant General, and the reasons for tendering such resignations shall be specifically stated. Resignations shall be transmitted through immediate commanding officers who shall make endorsement thereon. Resignations shall take effect when accepted by the Governor and announced in orders.

34. CERTIFICATE OF DISCHARGE.—Officers discharged from the service of the State, shall be entitled to a certificate of discharge, in such form as the Governor may prescribe.

ENLISTED MEN.

35. NATIONAL GUARD—WHO ELIGIBLE TO MEMBERSHIP—TERM OF ENLISTMENT.—Any able-bodied man of good character, who can read and write the English language, who is between the ages of eighteen and forty-five years, who has passed the required physical examination, which physical examination shall be the same as that required for enlistment in the United States Army, and who is a resident of the State of Kentucky, may be enlisted, or re-enlisted, in the Kentucky National Guard for a term of not less than three years. A man who has been dishonorably discharged, or discharged without honor, from the United States Army, United States Navy, Marine Corps, the organized militia of any State, or from the organized militia of this State, shall not be eligible for enlistment, or re-enlistment, except he produce the written consent to such enlistment, or re-enlistment, of the commanding officer of the organization from which he was dishonorably discharged or discharged without honor, and of the officer who approved such discharge.

36. OBLIGATION OF ENLISTMENT.—No person shall become a soldier in the Kentucky National Guard, except on making

oath to, or affirming, an obligation of enlistment of the following form:

STATE OF KENTUCKY.

(STATE SEAL.)

City or Town.

.....

I, ..., born in .....

in the State of ....., aged ..... years and

..... months, and by occupation a .....,

Do HEREBY ACKNOWLEDGE to have voluntarily .....

enlisted this ..... day of .....191...., as

a soldier in the Kentucky National Guard, for the period of three years, unless sooner discharged by proper authority; and do also agree to accept from the United States and the State of Kentucky, such bounty, pay, rations and clothing as are, or may be, established by law. And I do solmenly swear (or affirm) that I will bear true faith and allegiance to the United States of America and the State of Kentucky, and that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the Governor of Kentucky, and the orders of the officers appointed over me, according to the Rules and Articles of War and the laws of the State of Kentucky.

..... (SEAL)

Subscribed and duly sworn to before me this ..... day of ..... A. D. 191..

.....

.....

Recruiting Officer.

I certify that I have minutely inspected the above-named man, ... previous to his .. enlistment, and that he was entirely sober when enlisted; that, to the best of my judgment and belief, he fulfills all legal requirements; and that I have accepted and enlisted him into the service of the State of Kentucky, under this contract of enlistment as duly qualified to perform the duties of an able-bodied soldier, and, in doing so, have strictly observed the regulations which govern the recruiting service. This soldier has .... eyes, ... hair, ... complexion, is ..... feet ..... inches high.

.....(SEAL)

.....

Recruiting Officer.

NOTE—This enlistment shall be executed in duplicate, one copy, to be retained in the records of the organization and the other to be immediately forwarded to the Adjutant General of Kentucky.

37. NON-COMMISSIONED STAFF.—The appointment or removal of non-commissioned staff officers by division, brigade, regimental or battalion commander, shall become effective when confirmed by order of the Governor.

38. NON-COMMISSIONED OFFICERS — APPOINTMENT.—The requisite number of non-commissioned officers, cooks and musicians shall be appointed by their immediate commanding officers, subject to the approval of the next higher authority, and they shall be issued warrants, properly certified on a form prescribed by the Adjutant General. All such non-commissioned officers may be reduced in rank by an order of their immediate commanding officers, approved by the next higher authority: Provided, that first sergeants and company quartermaster sergeants of companies shall be designated from among the sergeants, and may be returned to duty as sergeants, by order of the company commander.

39. BANDS.—Bands shall be under the command of the Regimental Adjutants. An officer shall be designated by the Governor, as accountable officer for the military property issued for the use of a band.

40. TRANSFER OF ENLISTED MEN.—The transfer of an enlisted man from one unit to another, shall be authorized when approved by order of the Governor.

41. SOLDIER CANNOT ENLIST.—Any soldier whose term of service, in one organization has not expired, shall not enlist in any other organization of the militia, or in the United States Army or United States Navy, except he be discharged, in accordance with law, from the Kentucky National Guard.

42. ISSUE OF COMMISSION TERMINATES ENLISTMENT.—The enlistment of an enlisted man shall terminate on the issue to him of a commission as an officer.

DISCHARGE OF ENLISTED MEN.

43. AUTHORITY TO DISCHARGE.—An enlisted man shall not be discharged before the expiration of his term of service, except: 1. By order of the Governor; 2. By sentence of a general court-martial, approvd by the Governor.

44. EXPIRATION OF SERVICE.—When an enlisted man is discharged by expiration of service, his discharge shall take offect on the last day thereof—i. e., if enlisted on the second day of the month, his term will expire on the first day of the same month in the third year of his term of enlistment.

45. DISCHARGE CERTIFICATE.—A soldier, on his discharge from service, will be given a certificate of discharge signed by his commanding officer and the Adjutant General.

46. CHARACTER.—The character given on a discharge, will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his re-enlistment—that is, to character, at least, "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall, at the same time, notify the Adjutant General, who will in every such case convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful. The soldier shall, in every case, be given a hearing before the board. The finding of the board, when approved by the convening authority, shall be final. Discharge without honor

on account of "service not honest and faithful," shall be given only on the approved findings of a board of officers as herein provided.

47. CLASSES.—Discharge of enlisted men shall be of four classes: Honorable, in the interests of the service, without honor, and dishonorable.

48. HONORABLE DISCHARGE.—An enlisted man may be honorably discharged from the service, upon his own application, approved by his commanding officer.

49. INTERESTS OF THE SERVICE.—An enlisted man may be discharged in the interest of the service, upon proof that the interest of the service requires such discharge.

50. DISCHARGED WITHOUT HONOR.—An enlisted man may be discharged without honor:

(a) Without trial, on account of fraudulent enlistment.

(b) Without trial, on account of having been disqualified for service, physically, or in character, through his own misconduct.

(c) On account of imprisonment under sentence of civil courts.

(d) Where the service has not been honest and faithful.

(e) When especially ordered by the Governor, for any other reason.

51. DISHONORABLE DISCHARGE.—A dishonorable discharge shall be given only by sentence of a general court-martial, approved by the Governor.

52. CERTIFICATE OF SERVICE.—Upon satisfactory proof of the loss of a discharge certificate, or of its destruction without the fault of the person entitled to it, the Adjutant General may cause to be issued to such person, a certificate of service, showing date of enlistment and discharge from the Kentucky National Guard and character given on the original certificate.

53. DISCHARGE TAKES EFFECT.—The discharge of an enlisted man takes effect on notice to him of such discharge, either actual by delivery of the certificate of discharge, or constructive, as where such delivery cannot be made, owing to his absence for his own convenience, or through his own fault, in which the receipt of the discharge certificate at his proper station will be deemed proper notice.

MILITARY FUND, SALARIES, PAY AND ALLOWANCE.

54. MILITARY FUND—WHAT CONSTITUTES—DISBURSEMENT OF.—There is hereby appropriated the sum of thirty-five thousand dollars per annum, and this sum shall constitute the State Military Fund. Twenty-two thousand dollars of said fund shall be paid annually out of any funds in the treasury not otherwise appropriated, and the remaining thirteen thousand dollars of said fund shall be paid annually out of the funds heretofore appropriated for the benefit of the Kentucky State Guard, by a resolution entitled "Resolution appropriating money to re-organize, extend the organization and equip the State Guard, and recover the possession of State's munition of war," which was approved March 13, 1900, until the funds appropriated by said resolution, or so much thereof, as may not have heretofore been expended, shall be exhausted, and no part of said fund appropriated by said resolution shall be used except as provided by this Act, and thereafter the entire appropriation made by this section

shall be paid out of any funds in the treasury not otherwise appropriated. The State Military Fund shall be disbursed from time to time, by the authority of the Governor, and under such regulations as he shall prescribe for the organization, administration, equipping and uniforming the Kentucky National Guard; for the purchase of tactics, laws and regulations of the United States; for instruction of the Kentucky National Guard; for the publishing of regulations for their government; for the renting of armories; for the care and preservation of public property; for the purchase of such camp and garrison equipage and military stores as may be necessary; and generally, as, in his judgment, may best promote the interests of the Kentucky National Guard.

55. SALARIES—How PAID.—The Adjutant General shall receive an annual salary of twenty-five hundred dollars to be paid in monthly installements out of the Treasury from the General Fund; the Colonel in the Adjutant's Department shall receive an annual salary of eighteen hundred dollars to be paid in like manner as the salary of the Adjutant General: the Captain in the Ordnance Department shall receive an annual salary of twelve hundred dollars, to be paid in like manner as the salary of the Adjutant General. The compensation of other officers and employes in the Adjutant General's office, when on duty, shall be fixed by the Adjutant General and the Governor, and paid out of the State Military Fund, and shall not be a charge against the General Fund of the State.

56. ACTIVE SERVICE PAY—How PAID.—Officers and enlisted men when employed in active service, as defined, and as provided in this Act, beginning with the day they assemble at their armories or other designated place, until the day they have been returned thereto and properly relieved, inclusive; fractional parts of a day counting a full day, a day beginning immediately after midnight and ending the follow-

ing midnight shall receive pay and allowances at the following daily rates: Officers; major general, twelve dollars; brigadier general, ten dollars; colonel, eight dollars; lieutenant-colonel, seven dollars; major, six dollars; captain, five dollars; first lieutenant, four dollars and fifty cents; second lieutenant, four dollars; and in addition, the cost of hire or rental of quarters, and the cost of hire of one horse and one forage ration when required to be mounted; officers shall provide their own subsistence; enlisted men; chief musician, three dollars; regimental sergeant major, regimental quartermaster sergeant, regimental commissary sergeant, first sergeant and principal musician, two dollars and fifty cents; battalion sergeant major, color sergeant, and drum major, two dollars and twenty-five cents; company quartermaster sergeant, sergeant first class, sergeant, and cook, two dollars; corporal, one dollar and seventy-five cents; musician, private first class, and private, on dollar and fifty cents. Each enlisted man shall be entitled to one ration per day, or commutation of same, at actual cost of subsistence, not exceeding seventy-five cents. The pay and allowances authorized by this section shall be paid out of the Treasury on warrant of the Auditor of Public Accounts, upon organization pay-rolls, or vouchers for individuals, as may be required, accompanied by copies of the orders authorizing the service. Approved pay-rolls and vouchers shall be certified by the Adjutant General and approved by the Governor by their own signatures.

57. Officers and Enlisted Men Not Entitled to Pay for Active Service.—Officers and enlisted men employed in the Adjutant General's office, or in the military service, and who receive a salary for such services, shall not be entitled to additional pay from the State for active service or active duty, but shall be entitled to actual cost of subsistence and

quarters and proper expenses when serving under orders of the Governor, beyond the limits of the City of Frankfort.

58. SALARIED OFFICERS AND ENLISTED MEN ENTITLED TO UNITED STATES PAY.—The provisions of the preceding section shall not prohibit an officer or enlisted man from receiving pay from the United States for participation in encampments or field service.

59. COMPANY ALLOWANCE.--Each company and equivalent unit shall be allowed fifty dollars per annum from the State Military Fund for expenses incidental to cleaning and repairing clothing and equipment; said amount to be placed to the credit of the organization at the commencement of the fiscal year, and the commanding officer shall certify all vouchers for such service and supplies and forward same to the Adjutant General for payment. Any unexpected balance remaining to the credit of the organization at the close of the fiscal year shall be carried over and placed to the credit of the organization for the succeeding year. The expenditure for any fiscal year shall not exceed the amount on hand to the credit of the organization for that fiscal year.

60. ALLOWANCE FOR ARMORER.—There shall annually be allowed and paid from the State Military Fund, to each company and equivalent organization, for the services of an armorer, who shall devote all necessary attention to the care of the arms, equipment, uniforms and quarters of the company, the sum of one hundred and twenty dollars, to be paid on vouchers, certified by the company commander.

61. INCURRING OF UNAUTHORIZED EXPENSE.—No officer or enlisted man of the militia shall incur any expense whatsoever, to be paid to the State, except such as are authorized by this Act, without first obtaining the authority of the Governor; in extreme emergencies, however, the commanding

officer of any organization or detachment of the organized militia may make purchase of such necessities as are absolutely required for the immediate use and care of his command; a report of such action, containing a statement of the articles purchased, and the prices thereof, shall be made forthwith to the Adjutant General. Such accounts shall be audited by the Adjutant General and he may allow or disallow same, as he shall determine.

62. RECEIPTS FOR MONEY EXPENDED—REQUIRED.—The original receipts, written with ink or indelible pencil, shall be required for any expenditure in the military service, of one dollar or more, where payment is made from State Funds, provided, that if it is impracticable to secure a receipt, a certificate shall be attached to the claim setting forth the facts.

PUBLIC PROPERTY.

63. MILITARY PROPERTY PROVIDED.—Except as hereinbefore provided, organizations of the Kentucky National Guard shall be furnished, at public expense, with sufficient serviceable uniforms, arms, equipment, colors, musical instruments, books of instruction and of record, supplies, camp and garrison equipage, and horses and wagons necessary for their proper training and instruction, and for the proper performance of military duty. Such expense as is not borne by the United States, may be paid from the State Military Fund, but shall not be made a charge against the General Fund of the State.

64. BONDS.—The officers as may be designated by the Governor, shall execute proper bond to the State of Kentucky, in such sum as the Governor may prescribe, and no officer shall be relieved of any bond he may have executed, nor shall his surety be relieved, nor shall his estate be affected in any way, by resignation, discharge, change in official posi-

tion, or death, until final settlement of all of his accounts have been made and a certificate of such settlement issued by the Adjutant General.

65. RETURNS OF PROPERTY.—An officer accountable for military property shall make return of same in such form and at such times as the Governor may prescribe.

66. PROPERTY TO BE KEPT IN ARMORY.—All arms, equipments, and military property furnished for the use of the several organizations of the Kentucky National Guard, shall be kept in the armory of the command, except when in use for authorized military purposes.

67. USE OF MILITARY PROPERTY—UNAUTHORIZED.—No ar- be kept in the armory of the command, except when in use for authorized military purposes.

68. WEARING OF UNIFORM UNAUTHORIZED—DISCRIMINATION AGAINST—PENALTIES.—The uniform of the Organized Militia of the United States, or of the United States Army, Navy or Marine Corps, of any part thereof, shall not be worn by persons other than members thereof, nor shall the owner, proprietor, or manager of any hotel, opera house, skating rink, or any other place of public amusement or entertainment, deny admission to, or, in any way, discriminate against any member of the Organized Militia of the United States, or of the United States Army, Navy or Marine Corps, on account of his being in the uniform of his rank and service. Any person violating any provision of this section shall, upon conviction, be punished by a fine not exceeding three hundred dollars.

69. UNAUTHORIZED USE OF MILITARY PROPERTY.—No soldier shall wear, or use, or have in his possession, except for

military purposes, or by special permission of his commanding officer, any uniform, or part thereof, or other article of military property belonging to the State or the United States. Any person violating any provision of this section shall, upon conviction, be punished by a fine not exceeding fifty dollars.

70. PRIMA FACIE EVIDENCE OF EMBEZZLEMENT.—Every officer and enlisted man shall, immediately after use, return thereto, all military property of the State and of the United States, issued to him for military service, or duty, and the possession by him when not in service, or on duty, or without permission of his commanding officer, of any such property, elsewhere than in the armory, shall be prima facie evidence of embezzlement.

71. MONEY VALUE OF PROPERTY TO BE CHARGED.—Every officer and enlisted man of the Kentucky National Guard, who may lose through carelessness or neglect, carry away or unlawfully dispose of arms, equipment or other military property belonging to the United States, or to the State, shall be charged with the money value thereof, as determined by an approved report of survey, by a surveying officer, designated by the Governor.

72. OFFICERS LIABLE FOR PROPERTY.—Officers shall exercise the strictest care and vigilance for the protection of the uniforms, arms, equipments, and military property furnished for the use of their several commands, and in case of any loss thereof, or damage thereto, by their neglect or default, they and their surety shall be liable on their bonds to the State. They shall also be liable to punishment by sentence of a court-martial for neglect of duty.

73. UNAUTHORIZED LOAN OR TRANSFER OF PROPERTY.—An officer shall be accountable for all public property, funds and

papers received by him for military use; and shall not dispose of, loan, or transfer the same, or any part thereof, without the authority of the Governor.

74. TRANSFER OF PROPERTY.—An officer of the Kentucky National Guard vacating an office, shall transfer to his successor, or other officer designated by the Governor, all records, funds, papers, and military property in his possession, belonging or in any way pertaining to such office.

75. OFFICERS RESPONSIBILITY FOR PROPERTY.—Upon disbandment by muster out of service of any organization, the officers thereof shall be responsible for the safe return to the Adjutant Genearal, or to an officer designated by the Governor, of all military property in its possession.

76. SUITS FOR RECOVERY OF PROPERTY.—Suits for the recovery of any property mentioned in this Act or for the value thereof, or damages thereto, may be brought in any court of competent jurisdiction in this State, in the name of the State of Kentucky, to the use of the officer, or soldier, entitled to recover the same; any amount so recovered in money, shall be paid into the treasury of the State and be credited to the State Military Fund.

COURTS-MARTIAL.

77. GENERAL COURTS-MARTIAL—OFFICERS.—General courts-martial for the trial of commissioned officers shall be ordered and appointed by the Governor, and shall consist of not less than five, nor more than thirteen officers. Such courts shall be governed by regulations prescribed by the Governor, and the findings of the same shall, when approved by the convening authority, be final. Such courts shall have

authority to try commissioned officers for disobedience of orders, violations of the laws, rules, and regulations governing the Kentucky National Guard, unmilitary conduct, desertion, absence without leave, conduct unbecoming an officer and a gentleman, and conduct prejudicial to good order and military discipline. Such courts shall have power to inflict the following punishments: Reprimand; suspension; forfeiture of pay; dismissal from the service; dishonorable discharge from the service.

78. General Courts-Martial — Enlisted Men. — General courts-martial for the trial of enlisted men shall be appointed by the Governor and shall consist of not less than three, nor more than thirteen officers. Such courts shall be governed by regulations prescribed by the Governor, and the findings of the same, when approved by the convening authority, shall be final. Such courts shall have authority to try enlisted men for the following offenses: For disobedience of orders; for violations of the laws, rules, and regulations governing the Kentucky National Guard; for absence from drills, instruction, encampments or other duties; for desertion; and for conduct prejudicial to good order or military discipline. Such courts shall have power to inflict the following punishments: Forfeiture of pay, reduction to the ranks; confinement; discharge in the interest of the service; dishonorable discharge from the Kentucky National Guard.

Summary Court.

(To be Inserted.)

79. Courts of Inquiry.—Courts of inquiry may be instituted by the Governor for the purpose of investigating the conduct of an officer upon his own solicitation, only. Such court shall consist of three officers and an officer detailed

as a recorder, and the method of procedure practiced, jurisdiction, and power of such court, shall be prescribed in regulations by the Governor.

80. Boards of Examination.—The Governor may, whenever he may deem that the god of the service requires it, order any commissioned officer before a board of examination, to consist of not less than three nor more than five general staff and field officers. Such board shall have the power of courts of inquiry and courts-martial, and shall examine into the moral character, capacity and general fitness for service of such commissioned officer and record and return the testimony taken and a record of its proceedings. If the findings of such board be unfavorable to such officer and be approved by the Governor, he shall be discharged from the service. No officer whose grade or promotion would in any way be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Failure to appear, when ordered, before a board constituted under this section, shall be sufficient ground for a finding by such board, that the officer ordered to appear, be discharged, unless sufficient reason be known to the board to account for such failure.

81. Military Subordinate to Civil Power.—The military shall be, at all times and in all cases, in strict subordination to the civil power.

Active Service—Employment of Military Force.

82. Authority to Call Into Service.—It shall be the duty of the Governor, whenever he may deem it necessary, for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence, or other danger to the public interest, make it neces-

sary to employ military force in aid of the civil power of the government for the enforcement of the law or to preserve the peace, and the security of the rights and lives of property of the citizens, to order into active service, so much of the Kentucky National Guard or military force of the Commonwealth as he may deem necessary and he may by his order, prescribe the duty to be performed by the troops, thus call into active service. The Governor may direct the commanding officer of such military force, thus ordered into service, to report to any of the following named civil officers of the district, county, or State; circuit judge, county judge, mayor, sheriff, jailer, or marshal; and such civil officers may direct the specific object to be accompanied by such military force, but the tactical diretion, and disposition of the troops, and the particular means to be employed to accomplish the object, shall be left solely to the officers of the militia.

83. CIVIL OFFICERS HAVE AUTHORITY.—In case of breach of the peace, riot, mob, great calamity, resistance to the process of the State, or eminent danger thereof, or eminent danger of violence to life or property any one of the civil officers named in the next preceding section, may, by written order to the commanding officer of any division, brigade, regiment, battalion, or company, or other unit of the Kentucky National Guard, order into active service such part of the National Guard, to be specified in his written order, as such civil officer may deem necessary to assist the civil authorities to enforce the law, and prevent violence to person or property: Provided, that such civil officer shall have such authority only in case of emergency, when, in his judgment, it is impossible or impracticable to communicate with the Governor in time to prevent the threatened violation of law or danger to persons or property. Such civil officer and the commanding officer of the troops ordered into service by him

shall, as soon as possible, report said facts and circumstances relating thereto, to the Governor.

84. USE OF ARMS—SELF-DEFENSE ONLY.—In all cases where the militia is ordered into active service, it will use every reasonable and proper endeavor to accomplish the purpose for which it is called into service without resorting to violence or the use of arms; and the commanding officer will resort to the use of arms only in self-defense of the troops, or as the final and only means of maintaining the law, and preventing violation thereof.

85. BOUNDS — SELLING LIQUOR— PENALTIES.—Whenever any portion of the militia shall be ordered into active service, under this law, the commanding officer may fix certain bounds, within which no person shall enter without leave; and whoever intrudes within such limits when forbidden to do so, or after entering by permission, conducts himself in a disorderly manner, or whoever resists a sentry or a soldier, acting under orders to prevent such entry or to prevent disorderly conduct may be arrested by the commanding officer, or by his order, and turned over to the civil authorities for trial, and, upon conviction of the offense, shall be punished by a fine of not more than one hundred dollars, and committed until such fine is paid. Or, if any person shall temporarily erect any stand, booth, or other structure for the purpose of exposing for sale, giving, bartering or otherwise disposing of any spirituous or other intoxicating liquors whatsover, at or within the distance of two miles from any encampment, or place of assembly, or other military service or duty, he may be placed immediately under guard and kept at the discretion of the commanding officer, and such commanding officer may turn over such person to any police officer or constable of the city or county wherein such duty, service, encampment, or other assembly is held,

for examination or trial before any court of justice having jurisdiction of the place, and, upon conviction of the offense, he shall be punished by a fine of not more than one hundred dollars, and be committed until such fine is paid.

86. MILITARY FORCES TO HAVE RIGHT OF WAY—EXCEPTIONS.—United States forces or troops, or any organization of the Kentucky National Guard, parading or performing any duty according to law, may have the right of any highway or street through which they may pass: Provided, the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire engines and fire departments, shall not be unnecessarily interferred with thereby.

87. OFFICER REFUSING TO OBEY ORDERS.—Any militia officer who shall refuse or neglect to obey any order, lawfully issued, as provided in this Act, or who shall hinder, interfere with, or prevent any of the men of his command from performing such duty, or in any manner by neglect, prevent the due execution of the law, shall be deemed guilty of a misdemeanor and on conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both fine and imprisonment.

88. ENLISTED MAN REFUSING TO OBEY ORDERS.—Any non-commissioned officer, cook, musician or private, who shall refuse or neglect to obey the orders of his commanding officer, issued, as provided in this Act, or who shall hinder, interfere with, or prevent, any other non-commissioned officer, cook, musician, or private from performing any duty under such order, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for

not exceeding thirty days, or by both such fine and imprisonment.

89. ACTIVE SERVICE DEFINED.—Troops ordered into service as prescribed in this Act for the enforcement of the law and for the preservation of the peace and the security of the rights and lives, or property, of citizens, shall be deemed to be in active service. Officers employed under orders of the Governor in making tours of instruction, inspections of troops, armories, store houses, camp sites, rifle ranges, and military property; in holding elections, mustering in, or mustering out troops; making surveys on military property; sitting on general courts-martial, boards of examination, courts of inquiry, or boards of officers, shall be deemed to be in active service. Orders in every case shall specify if pay and travel are allowed, and the expenses allowed.

90. RESERVE MILITIA—WHEN MAY BE CALLED OUT—DUTY OF SHERIFF CONCERNING.—Whenever it would be lawful, under the provisions of this law, for the Governor to call into active service, the Kentucky National Guard, he may, if, in his judgment, the services of the Kentucky National Guard would be, or are unequal to the emergency, call out the reserve militia, and shall, by public proclamation, summon all or any number of them to be assembled by the sheriff at any point, or points, within the county or respective counties that may be designated by the proclamation; and thereupon the sheriff, on pain of a fine of one thousand dollars for refusal or neglect, shall summon the members of the reserve militia within his county, as he would summon a civil posse, and under similar penalties against those who fail to obey his summons. But should the Governor's proclamation call for only a part of the reserve militia of any county the sheriff may first call for volunteers therefor, and if that should appear to be inexpedient, he shall summon the members of the

reserve militia to assemble in their magisterial districts, and there determine, under the supervision and control of a justice of the peace, by lot, who shall be selected to fill the quota of that magisterial district.

91. ASSESSORS TO ENROLL PERSONS LIABLE TO DUTY WHEN REQUIRED.—When the Governor, by public proclamation, so commands, it shall be the duty of the assessor to enroll the names of all persons liable to duty in the reserve militia, and by such time as said proclamation may prescribe shall transmit said rolls to the Adjutant General of the State.

92. ASSESSOR—COMPENSATION OF—PENALTY.—When such service is required of the assessor he shall be allowed one cent for each name returned by him, to be paid out of the State Treasury. And if the assessor neglects or refuses to render said service when so required, he shall be subject to a fine of not more than five hundred and not less than one hundred dollars.

93. RESERVE MILITIA ORGANIZATION—ELECTION OF OFFICERS—LAWS THAT GOVERN.—Whenever the whole or any part of the reserve militia shall be called out in any county, and it has been determined by summons, or by lot, or by vounteering, who shall perform duty, those from each magisterial district, shall, at once, under the supervision of the magistrate, or in his absence, under the supervision of the presiding officer chosen by themselves, proceed to organize themselves into one or more companies of not less than fifty men, unless there be fewer than that number all told, and shall elect officers provided for in the Kentucky National Guard organization, and the captain shall appoint the usual non-commissioned officers. When so organized, they shall be conducted to a general place of rendezvous, where such other organiza-

tion shall be made and officers elected as may be necessary under the Militia Law, or as may be directed by the Governor.

94. Regulations that Govern.—The reserve militia so called into service shall become subject to the same laws and regulations as the members of the Kentucky National Guard.

95. Not Liable to Civil or Criminal Action.—Officers and enlisted men of the militia ordered into active service of the State by proper authority, shall not be liable civilly or criminally, for any lawful act, or acts, done by them in pursuance of duty in such service.

Active Duty.

96. Active Duty Defined.—Troops engaged in drill at their home station, or participating in any camps of instruction, camps of rifle practice, practice marches, parade, review, exposition, celebration, or other public exercise, or engaged in escort duty, or other duties not hereinbefore specified, shall be deemed to be on active duty, and no expenses that may arise through such active duty shall, except as hereinafter provided, be made a charge against the General Fund of the State.

97. Governor May Authorize Parades—Voluntary Service.—The Governor may authorize all, or any part, of the Kentucky National Guard to participate in any parade, review, exposition, celebration, or public exercises, or to serve for escort duty, and such expenses incident thereto, as he may authorize, may be paid from the State Military Fund, and shall not be made a charge against the General Fund of the State.

98. DRILLS, ENCAMPMENTS, AND PRACTICE MARCHES.—The Kentucky National Guard shall, except when excused by the Governor, perform not less than five consecutive days of camp or field service, or in practice marches, in each year, at such times and at such places as may be designated by the Governor, and such expenses, as he may authorize, as are not a proper charge against the United States, may be paid from the State Military Fund. Each officer and enlisted man shall assemble for and participate in drill, or other instruction, at the armory or other designated place for the organization of which he is a member, at least once in each week, unless excused by competent authority.

INSPECTION.

99. INSPECTION TO BE MADE EACH YEAR.—The Inspector General, or such other officers as the Governor may designate, shall inspect, at least once in each year, and oftener, if the Governor shall deem it necessary, all headquarters, arsenals, store houses, armories, organizations, and all public property belonging to the State, and property that has been issued to the State by the United States, and such inspector, or inspectors, shall render a detailed report to the Adjutant General of the condition of same.

ARMORIES.

100. ARMORIES—HOW PROVIDED.—Where militia organizations have been or may hereafter be organized and furnished with arms and equipments, in any county of this State, the fiscal court of said county shall provide, at the cost of the county, an armory for drill, and safe place for keeping such public arms and equipments, where they will be at all times accessible to the organization.

101. NO MILITARY PROPERTY TO BE ISSUED.—No organization shall be furnished with arms, equipments, or any public

property until safe and adequate facilities for the keeping of arms, equipment, and public property has been provided and accepted, subsequent to inspection, by an officer designated by the Governor.

102. Fiscal Courts to Provide.—The fiscal courts shall provide for each command of the Kentucky National Guard, or detachment thereof, permanently stationed within the limits of their respective counties, a suitable hall for the purpose of drill, and suitable rooms annexed thereto, for the meetings of the command for administrative work, for the assembling of the officers and non-commissioned officers for instruction, and for the safe-keeping of military property; and they shall provide for every such armory the necessary fuel, lights, water, telephone service, janitor service, and necessary repairs, or shall make a reasonable allowance therefor.

103. Armory Under Control of Commanding Officer.—Every armory, drill hall, or parts of buildings occupied, or used by the Kentucky National Guard for military purposes, shall, during the period of its occupancy for such purpose, be under the control of the commanding officer so using same, and any person who intrudes or enters therein contrary to his orders, or who molests or obstructs the troops, or any of them, so occupying such premises, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not exceeding one hundred dollars; and it shall be lawful for such officer to arrest such person and turn him over to the civil authorities for trial.

104. Armory Rental—Allowances.—For each armory used by a company of infantry, or the equivalent of other with the provisions of this act, there shall annually be al-

lowed to the county, and paid from the State Military Fund, not to exceed two hundred dollars, which shall be in full for rental and for all other charges of maintenance.

For each additional company quartered therein, not to exceed one hundred dollars; for a detachment, or other troops, such amount as may be determined by the Adjutant General.

Payment shall be made on vouchers certified by the commanding officer of the organization, receiving the use of the armory, and subsequent to the receipt of a satisfactory report, by the Adjutant General, from the Inspector General, or such officer as may be designated by the Governor to inspect armories.

GENERAL PROVISIONS.

105. FREE PASSAGE THROUGH TOLL-GATES, BRIDGES AND FERRIES.—Any person belonging to the Kentucky National Guard, going to, or returning from, any parade, encampment, drill or meeting, which he may be required by law to attend, shall, together with his conveyance and the military property of the State in his charge, be allowed to pass free through all toll-gates and over all toll-bridges and ferries, if he be in uniform, or presents an order for duty or certificate of membership in the organized militia.

106. EXEMPTION FROM JURY SERVICE.—The officers and enlisted men of the Kentucky National Guard are exempt from jury service.

107. EXEMPTION FROM ARREST.—No officer or enlisted man shall be arrested on civil process, except in case of felony, while going to, remaining at, or returning from, a

place where he is ordered to attend for election of officers or for military service or duty.

108. PENALTY FOR ASSEMBLING OR DRILLING WITH ARMS WITHOUT LICENSE—EXCEPTIONS.—It shall be unlawful for any body of men whatsoever, other than the regularly organized militia of this State and the troops of the United States, to associate themselves as a military company, or other armed organization, or to drill or parade with arms anywhere within the State, without the license of the Governor thereof, which license may, at any time, be revoked; Provided, That nothing herein contained shall be construed to prevent benevolent or social organizations from wearing swords, or students in educational institutions, chartered under the laws of the State, wherein military science is part of the course of instruction, from drilling and parading with arms in public, under the superintendence of their instructors. Whoever offends against the provisions of this section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine of not less than ten or more than fifty dollars, or imprisoned in the county jail for a term not exceeding six mouths, or both.

109. UNAUTHORIZED PARADES — VOLUNTARY SERVICE.—No parade or voluntary service shall be performed by any company, or part thereof, under arms, or in uniform, without the approval of the regimental commander, or higher authority.

110. DISABLED IN ACTIVE SERVICE OF ACTIVE DUTY.—An officer or enlisted man becoming disabled while in active service, or on active duty, shall be furnished under the direction of the commanding officer, with medicines and proper medical attendance until he has been returned to his residence; the cost of such medicines and medical attendance

shall be a proper charge against the State, and shall be paid from the General Fund, on properly certified and approved vouchers.

111. Dying in Active Service or on Active Duty.—The body of an officer or enlisted man, who dies while in active service, or on active duty, while his commond is absent from its home station, shall, under the direction of his commanding officer, be properly prepared for burial, enclosed in a suitable casket, and escorted to his late residence. by a proper escort; Provided, That the total cost of embalming and preparing the body for burial, and cost of the casket, combined, shall not exceed the sum of one hundred dollars. The cost of such preparation for burial and casket shall be a proper charge against the State, and shall be paid from the General Fund, on properly certified and approved vouchers.

112. Confederate Records.—The Adjutant General of the State of Kentucky is hereby directed to gather all the data obtainable concerning the different organizations, who enlisted or served in the Army of the Confederate States in the War of the Rebellion, compiling the same by regiment, battery, troops and company in the usual forms of reports of Adjutants General made heretofore in this Commonwealth in regard to other similar organizations, and adding thereto such other information as he may deem best; and he will enter same upon a book to be kept in his office as a public record, giving regiments, etc., in their consecutive number, and he will cause the same to be printed in a book to be well bound in cloth and furnish one copy to each County Clerk of this Commonwealth and one copy to each Adjutant General of the several Commonwealths of these United States, preserve a reasonable number for his office and the State Library, and cause a suitable number to be printed and

placed with the State Librarian for a price to be agreed upon by and between the said Adjutant General and Librarian. The book containing a list of Confederate Volunteers shall be labeled on the title page and on the outside cover, "Confederate Kentucky Volunteers—War 1861-'65." In compiling this record, the Adjutant General shall be allowed actual expenses in gathering data of the Confederate Veterans and expense of copies of the War Department, and the assistance of a clerk or stenographer in compiling same, at a salary to be agreed upon by the Governor and Adjutant General. The printing made necessary under this Resolution shall be done by the Public Printer, and he shall receive the same pay therefor and be paid in the same manner as other printing is paid for. Any and all expenses arising under this Resolution shall be paid out of the General Expense Fund, and the Auditor shall draw his warrant in favor of the person to whom same is due, upon accounts approved by the Adjutant General and Governor. (This section is a joint Resolution of March 27, 1902; the numbers of sub-sections are the numbers of sections.)

§ 2. All acts and parts of acts inconsistent with this act, shall be, and are hereby repealed.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An Act Concerning the Militia of the Commonwealth of Kentucky," approved March 13, 1893, and amendatory acts thereto, being Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, be, and the same is hereby amended and re-enacted, so as to read as follows:

THE EXECUTIVE, AND PROVISIONS APPLICABLE TO THE EXECUTIVE DEPARTMENT—COMMANDER IN CHIEF.—The Governor shall be Commander in Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly. (Constitutional provision.)

AUTHORITY TO CONTROL.—The Governor shall exercise the authority of issuing the lawful orders to organize, equip, and discipline the militia, so that it may conform as nearly as practicable, to the regulations for the government of the armies of the United States.

GOVERNOR MAY DISBAND AND MUSTER OUT.—The Governor may disband and muster out of the service, any organization, or part of same, falling below the proper standard of efficiency, which shall be determined by him from inspections and reports thereon.

CODE.—The Governor is authorized to make and publish a code of regulations for the government of the militia, which shall, so far as consistent, contain articles of war and the regulations governing the United States Army, or such modifications as may be applicable.

ADJUTANT GENERAL'S OFFICE.

THE ADJUTANT GENERAL'S OFFICE.—The personnel of the Adjutant General's office shall consist of one brigadier general, who shall be the Adjutant General and Chief of Staff; one colonel of the Adjutant General's Department, one captain of the Ordnance Department, who shall be the Arsenal Superintendent; all of whom shall be appointed by

the Governor; and such officers as may be necessary, who shall be detailed by the Adjutant General from the Kentucky National Guard, and such stenographers and other assistants as may be necessary to be employed by the Adjutant General. The Adjutant General, the colonel in the Adjutant General's Department, and the Arsenal Superintendent, shall hold office for a term of four years, or at the pleasure of the Governor.

DUTIES OF THE ADJUTANT GENERAL.—The Adjutant General shall perform such duties as are prescribed by law and such other military duties consistent with the regulations and customs of the United States Army, as may be required by the Governor. The Adjutant General is charged with the duty of supervising all troops of the line and all departments, arms, and branches of the Kentucky National Guard. Such supervisory power covers, primarily, duties pertaining to the command, discipline, training and recruitment of the militia, military operations, distribution of troops, inspections, armament, military education, and instruction, and kindred matters connected with fiscal administration and supplies. The Adjutant General shall, from time to time, prepare and publish by the order of the Governor, such orders and regulations, consistent with law, as are necessary to bring the organization, armament, equipment. and discipline of the Kentucky National Guard to a state of efficiency as nearly as possible approaching that of the United States Army. The Adjutant General shall also prepare returns to the Secretary of War at such times and in such form as the Secretary of War shall prescribe, of the strength of the militia, and such reports as may, from time to time, be required by the Secretary of War.

The State Arsenal, all military store houses, places for encampments, and rifle ranges, owned by the State, or leased

by the State of the United States for the State, all military property of the State, and all military property of the United States issued to the Governor of Kentucky, shall be immediately under the control of the Adjutant General, under the general direction of the Governor.

The Adjutant General shall establish and maintain, as part of his office, a bureau of war records in which all records relating to wars, and relics, shall be kept. He shall be the custodian of all such records, relics, colors, and standards, and battle flags, now the property of the State, or in its possession, or which the State may hereafter secure or become possessed of.

LAW TO BE INDEXED, PRINTED AND DISTRIBUTED.—It shall be the duty of the Adjutant General to index and properly prepare this law and such regulations as the Governor may add thereto, and have the same printed and distributed for the information and guidance of the officers and enlisted men of the Kentucky National Guard.

IN THE ABSENCE OF THE ADJUTANT GENERAL—OFFICER TO ACT.—In the absence or inability to perform the duties of the Adjutant General, the senior officer on duty in the Adjutant General's office, shall perform the duties prescribed for the Adjutant General.

MILITARY ESTABLISHMENT—GENERAL PROVISIONS OF ORGANIZATION.

PERSONS WHO CONSTITUTE—DIVIDED INTO TWO CLASSES.—The militia of the State of Kentucky shall consist of all able bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States, and shall be divided into two classes:

1. The Organized Militia, to be known as the Kentucky National Guard.

2. The Reserve Militia, consisting of all other persons liable to military service.

MILITARY DUTY—PERSONS EXEMPT FROM.—The members of the Kentucky National Guard who serve, or have served, two consecutive terms, all civil officers, except notaries public, while holding office, and those persons having conscientious scruples against bearing arms, who pay such equivalent for the service, as may be prescribed in the proclamation of the Governor calling them into active service, as part of the reserve militia, shall be exempt from military duty, but the enlistment, or re-enlistment, of any persons in this section mentioned, shall be a waiver of their exemption.

OFFICER—SOLDIER—DEFINITION—CONVICTION BY CIVIL COURTS.—The word officer, as used in this act, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by civil courts, except when military courts are specified.

NATIONAL GUARD UNITS—HOW ORGANIZED.—When it is desired to organize a unit of the Kentucky National Guard in any county, a written application, signed by the minimum number of eligible persons, which minimum number shall be prescribed by the Governor in orders, shall be submitted to the county judge for his written approval. If approved by the county judge, the application shall be forwarded to the Adjutant General. Should the Governor approve the application, he shall direct that proper steps be taken to muster

the unit into the State service as part of the Kentucky National Guard. After a unit has been mustered into the service, recruits may be enlisted by such officer as the Governor may designate.

COUNCIL OF ADMINISTRATION—POWER AND DUTIES OF.—Each regiment and separate battalion may have a council of administration, composed of its officers, which shall be charged with the care and control of the fiscal affairs of the organization, may adopt suitable by-laws, effective on the approval of the Governor, and may elect not more than twenty-five honorary members for each company, battery, troop, or equivalent unit; said honorary members to be exempt from jury service, upon their payment annually, or oftener, as the council shall so determine, of a sum not less than ten dollars; and the money thus obtained shall be for the use of the regiment, or battalion fund, to be expended by the commanding officer in such manner as, in his judgment, the interests of the organization require. Each unit not under the control of a regimental, or battalion council of administration, may also have a council of administration, composed of its officers, and it shall have the same power as prescribed herein for a regiment and separate battalion.

TEMPORARY ABSENCE OF NATIONAL GUARD FROM STATE.—When the Kentucky National Guard shall be called into the service of the United States to serve without the State, the Governor shall have power to organize and muster into the service, such a force as may be necessary in the temporary absence of the National Guard, but such force so organized shall be disbanded upon the return of the National Guard to the State.

GENERAL OFFICERS, STAFF AND DEPARTMENTS.

ORGANIZATION OF THE KENTUCKY NATIONAL GUARD.—The Kentucky National Guard, shall consist of the general of-

ficers commanding the divisions and brigades, where such units are organized. The staff corps and departments necessary provide staff officers and enlisted men, viz.: Chief of staff, an adjutant general's department, a judge advocate general's department, a quartermaster's department, a subsistence department, an inspector general's department, a medical department, a pay department, a corps of engineers, an ordinance department, a signal corps, and such bodies of infantry, field artillery, cavalry, and other arms of the service as may be provided by the laws of the State of Kentucky, or prescribed by the Governor in orders.

STAFF CORPS AND DEPARTMENTS.—Officers of the staff corps and departments shall be appointed from the Kentucky National Guard by the Governor, and, except as hereinafter provided, shall hold office for a term of three years, or at the will and pleasure of the Governor.

STAFF OF THE GOVERNOR.—The staff of the Governor shall consist of the Adjutant General and such other officers and honorary members as the Governor may designate.

STAFF OFFICERS MUST BELONG TO STAFF CORPS OR DEPARTMENTS.—Officers appointed on the staff of a division, or brigade, must belong to some staff corps or department, or to the line, and be detailed for duty on such staff by order of the Governor.

COMMISSIONED OFFICERS—ELIGIBILITY FOR APPOINTMENT OR ELECTION TO COMMISSIONED OFFICE.—All appointed and elected officers, except those of the Judge Advocate General's Department, Medical Department and Engineer Corps, and Chaplains, shall be appointed, or elected, from

the officers and enlisted men of the Kentucky National Guard.

COMMISSIONED STAFF—APPOINTMENT AND REMOVAL.—The appointment or removal of staff officers by division, brigade, regimental, or battalion commanders, shall become effective when confirmed by orders of the Governor.

MEDICAL OFFICERS.—Medical officers shall be commissioned with rank of first lieutenant, and on completing three consecutive years of service, may be promoted to the grade of captain, and on completion of five consecutive years in that grade, may be promoted to the grade of major.

CHAPLAINS.—Chaplains shall be commissioned with the rank of first lieutenant, and on completing seven consecutive years of service, may be promoted to the grade of captain.

ELECTION OF OFFICERS.—Elections shall be ordered by the Governor, reasonable notice being given, to fill vacancies that may occur by the expiration of term of office, or otherwise. All officers, except staff corps, departments, and staff officers, shall be elected by a majority of the votes cast by their respective commands, a majority of the members of their respective commands being present and voting.

Election shall be held by officers designated in orders by the Governor, and a certified statement concerning the result shall be made by such officers, on a form furnished by the Adjutant General, which certified statement shall be immediately forwarded to the Adjutant General, who shall, without delay, cause an order to be issued announcing the name or names of the officer, or officers, elected.

FAILURE TO FURNISH BOND.—Should any officer appointed, or elected, fail to qualify by furnishing the prescribed bond, within ten days after his appointment, or election, the office shall be deemed vacant.

EXAMINATIONS.—Before receiving a commission, by reason of an appointment, or election, or before being commissioned to a higher grade by result of promotion, every officer in the Kentucky National Guard must have passed a satisfactory physical examination before a designated medical examiner, and a satisfactory examination before a board of examining officers of the Kentucky National Guard, as to his knowledge of military affairs and general knowledge and fitness for the service, and anyone failing to pass such examination shall be dropped from the roster of officers, and shall not, within the period of one year, be eligible for an office in the Kentucky National Guard, or for promotion; Provided, that general officers and officers of the staff of the Commander in Chief, chiefs of departments and corps, and colonels commanding regiments, who have been previously commissioned, after examination, engineer officers, judge advocates, chaplains, and medical officers shall be exempt from any examination, other than the physical examination.

TERM OF OFFICE—DATE OF RANK.—Except as hereinafter provided, all officers shall be appointed, or elected, for a period of three years, and, in the event of re-appointment, or re-election, in the same grade an officer's rank shall date from the original date of appointment or election.

SENORITY.—Senority in rank shall be determined by the length of continuous service in the same grade, whether by appointment or election.

HOLDOVERS.—When a term of office expires without an appointment having been made, or an election having been held, the officer shall continue to hold office until his successor has been appointed or elected, and has qualified by furnishing the prescribed bond.

COMMISSIONS—OATH OF OFFICE.—When an officer has been fully qualified, he shall be issued a commission signed by the Governor, which shall date from the time of his last appointment, or election. Each officer shall, on receiving his commission, take the oath of office prescribed in the Constitution of the State of Kentucky, and in addition thereto, the following: "And I further swear that I will well and truly execute and obey the lawful orders of all officers legally placed over me, when on duty." The oath of office and the obligations prescribed herein shall be administered by any civil officer, competent to administer oaths, who shall endorse on the commission the fact of qualification, and, in addition shall furnish the officer with a certificate on a form furnished by the Adjutant General, that the oath has been administered and the obligation taken. The certificate shall be immediately forwarded to the Adjutant General of Kentucky.

OFFICERS' UNIFORMS, ARMS AND EQUIPMENTS.—Upon being commissioned, officers shall provide themselves with proper uniforms, arms, and equipments, prescribed by regulations, and shall maintain same in a state of serviceable condition during their term of office. The uniform or insignia of rank prescribed for the officers of the Kentucky National Guard, shall be worn only by persons entitled thereto, by commission under the laws of the State or of the United States, or of another State of the United States. Any person violating any provision of this section shall be punished by a fine of not more than one hundred dollars.

GOVERNOR'S POWER TO VACATE COMMISSION.—The Governor shall have power to vacate a commission of any officer who absents himself from his command without leave, for thirty days, and to discharge in the interests of the service, any enlisted man, who absents himself from his command for thirty days, without leave, or who absents himself from four consecutive drills without proper authority.

RECORD OF UNASSIGNED OFFICERS TO BE KEPT.—There shall be kept in the office of the Adjutant General a book or other proper record upon which shall be kept the names of certain officers, as hereinafter provided, to be known as the "Unassigned Officers of the Kentucky State Guard." Any officer of the Kentucky State Guard, having served honorably therein for at least three years, and whose company or other command has been, or is about to be, mustered out, or who, for any other reason, is without any active command or position in the Guard, or who may desire to retire from regular service in the State Guard, may apply to the Adjutant General that he be relieved of regular participation in duties of the Guard and that he be retained in the service thereof with his rank as a commissioned officer. He may file with his application a statement of his reasons for his request and such recommendations and endorsements of other officers as he may wish. If the Adjutant General be of opinion that the application has been a good and efficient officer and that the request is otherwise meritorious, he may place the name of the applicant upon the list of unassigned officers above provided for, together with the age, address, rank, date of commission and the last active command or other position of the applicant and the date of his last active or regular service in the State Guard. Said applicant shall have the right, at any time, to have his name stricken from said list and the Adjutant General, shall, at any time, have the right to strike the name of such applicant from said list,

but shall endorse the reason therefor on said record opposite the name of such officer. His commission shall expire whenever his name is stricken from said list.

The officers thus placed upon the unassigned list, and not stricken off, shall be subject, at any time, to any special or temporary duty or active service to which the Governor may assign them. They shall remain in commission with the same rank as when placed on said unassigned list, and whenever any such unassigned officer shall be assigned to any special or temporary duty or active service, or shall re-enter the regular duty and service of the State Guard with the same rank as when placed on the unassigned list, his seniority shall be determined as of the date he was placed on said list.

DISMISSAL OF ELECTIVE OFFICERS.—The Governor may dismiss any officer who has been convicted of a crime, but in no other case, except as provided herein, shall an elective officer be dismissed from the service without his consent, except on the sentence of a general court-martial, or the findings of a board of examination.

RESIGNATION.—Resignation of officers must be in writing, addressed to the Adjutant General, and the reasons for tendering such resignation shall be specifically stated. Resignations shall be transmitted through immediate commanding officers, who shall make endorsements thereon. Resignations shall take effect when accepted by the Governor and announced in orders.

CERTIFICATE OF DISCHARGE.—Officers discharged from the service of the State, shall be entitled to a certificate of discharge, in such form as the Governor may prescribe.

ENLISTED MEN.

NATIONAL GUARD—WHO ELIGIBLE TO MEMBERSHIP—TERM OF ENLISTMENT.—Any able-bodied man of good character, who can read and write the English language, who is between the ages of eighteen and forty-five years, who has passed the required physical examination, which physical examination shall be the same as that required for enlistment in the United States Army, and who is a resident of the State of Kentucky, may be enlisted or re-enlisted, in the Kentucky National Guard for a term of not less than three years. A man who has been dishonorably discharged, or discharged without honor, from the United States Army, Navy, or Marine Corps, the organized militia of any other State, or from the organized militia of this State, shall not be eligible for enlistment, or re-enlistment, except he produce the written consent of such enlistment or re-enlistment, of the commanding officer of the organization from which he was dishonorably discharged, or discharged without honor, and of the officer who approved such discharge.

OBLIGATION OF ENLISTMENT.—No person shall become a soldier in the Kentucky National Guard except on making oath to, or affirming, an obligation of enlistment of the following form:

STATE OF KENTUCKY.

(STATE SEAL.)

City or Town,

.....

I, ..., born in .....
the State of ....., aged ..... years

and ..... months, and by occupation a ....., Do HEREBY ACKNOWLEDGE to have vountarily ..... enlisted this ..... day of ....., 191...., as a soldier in the Kentucky National Guard, for a period of three years, unless sooner discharged by proper authority; and do also agree to accept from the United States and the State of Kentucky such bounty, pay, rations, and clothing as are, or may be, established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and the State of Kentucky, and that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the Governor of Kentucky, and the orders of the officers appointed over me, according to the rules and articles of war and the laws of the State of Kentucky.

.....(SEAL)

Subscribed and sworn to before me this .....day of ....., A. D., 191.....

.....

.....

Recruiting Officer.

I certify that I have minutely inspected the above man, ... previous to his ..... enlistment, and that he was entirely sober when enlisted; that, to the best of my judgment and belief, he fulfills all legal requirements; and that I have accepted and enlisted him into the service of the State of Kentucky, under this contract of enlistment as duly qualified to perform the duties of an able-bodied soldier, and, in doing so, have strictly observed the regulations which govern the recruiting service. This soldier has .....

eyes, ... hair, ...complexion, is ..... feet ..... inches high.

.....(SEAL)

.....

Recruiting Officer.

NOTE: This enlinstment shall be executed in duplicate, one copy to be retained in the records of the organization and the other to be immediately forwarded to the Adjutant General of Kentucky.

NON-COMMISSIONED STAFF.—The appointment or removal of non-commissioned staff officers by division, brigade, regimental, or battalion commanders, shall become effective when confirmed by orders of the Governor.

NON-COMMISSIONED OFFICERS — APPOINTMENT. — The requisite number of non-commissioned officers, cooks, musicians, and artificers shall be appointed by their immediate commanding officer, subject to the approval of the next higher authority, and they shall be issued warrants, properly certified, on a form prescribed by the Adjutant General. All such non-commissioned officers may be reduced in rank by an order of their immediate commanding officer, approved by the next higher authority; Provided, That first sergeants and company quartermaster sergeants of companies shall be designated from among the sergeants, and may be returned to duty as sergeants, by order of the company commander.

BANDS.—Bands shall be under the command of the Regimental Adjutants. An officer shall be designated by the Governor as accountable for the military property issued for the use of a band.

TRANSFER OF ENLISTED MEN.—The transfer of an enlisted man from one unit to another, shall be authorized when approved by order of the Governor.

SOLDIER CANNOT ENLIST.—Any soldier whose term of service in one organization has not expired, shall not enlist in any other organization of the militia, the United States Army, Navy, or Marine Corps, except he be discharged, in accordance with law, from the Kentucky National Guard.

ISSUE OF COMMISSION TERMINATES ENLISTMENT.—The enlistment of an enlisted man shall terminate on the issue to him of a commission as an officer.

DISCHARGE OF ENLISTED MEN.

AUTHORITY FOR DISCHARGE.—An enlisted man shall not be discharged before the expiration of his term of service, except: 1. By order of the Governor. 2. By sentence of court-martial, approved by the Governor.

EXPIRATION OF SERVICE.—When an enlisted man is discharged for expiration of service, his discharge shall take effect on the last day thereof; i. e., if enlisted on the second day of the month, his term will expire on the first day of the same month, in the third year of his term of enlistment.

DISCHARGE CERTIFICATE.—A soldier, on his discharge from service, will be given a certificate of discharge signed by his commanding officer and by the Adjutant General.

CHARACTER.—The character given on the discharge, will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful, he will

be entitled to such character as will warrant his re-enlistment; i. e., to character, at least "good." Where the company commander deems the service not honest and faithful he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall, at the same time, notify the Adjutant General, who will in every such case, convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful. The soldier shall, in every case, be given a hearing before a board. The findings of the board, when approved by the convening authority, shall be final. Discharge without honor on account of "service not honest and faithful" shall be given only on the approved findings of a board of officers as herein provided.

CLASSES.—Discharge of enlisted men shall be of four classes: Honorable, in the interests of the service, without honor, and dishonorable.

HONORABLE DISCHARGE.—An enlisted man may be honorably discharged from the service upon his own appluication, approved by his commanding officer and the Adjutant General.

INTERESTS OF THE SERVICE.—An enlisted man may be discharged in the interests of the service, upon proof that the interests of the service require such discharge.

DISCHARGE WITHOUT HONOR.—An enlisted man may be discharged without honor;

(a) Without trial, on account of fraudulent enlistment;

(b) Without trial, on account of having been disqualified for service physically, or in character, through his own misconduct;

(c) On account of imprisonment under sentence of civil courts;

(d) Where the service has not been honest and faithful;

(e) When especially ordered by the Governor for any other reason.

DISHONORABLE DISCHARGE.—A dishonorable discharge shall be given only by sentence of a general court-martial, approved by the Governor.

CERTIFICATE OF SERVICE.—Upon satisfactory proof of the loss of a discharge certificate, or of its destruction without the fault of the person entitled to it, the Adjutant General may cause to be issued to such person, a certificate of service, showing date of enlistment and discharge from the Kentucky National Guard, and character given on the original discharge certificate.

DISCHARGE TAKES EFFECT.—The discharge of an enlisted man takes effect on date of notice to him of such discharge, either actual, by delivery of the certificate of discharge, or constructive, as where such delivery cannot be made, owing to his absence for his own convenience, or through his own fault, in which case the receipt of the discharge certificate at its proper station, will be deemed proper notice.

MILITARY FUND, SALARIES, PAY AND ALLOWANCES.

MILITARY FUND—WHAT CONSTITUTES—DISBURSEMENT OF. —There is hereby appropriated the sum of twenty thousand dollars per annum and this sum shall constitute the State Military Fund. Thirteen thousand dollars of said fund shall be paid annually out of any funds in the Treasury, not other-

wise appropriated, and the remaining seven thousand dollars of said fund shall be paid annually out of the funds heretofore appropriated for the benefit of the Kentucky State Guard by a resolution entitled "Resolution Appropriating Money to Re-organize, Extend the Organization and Equip the State Guard, And to Recover Possession of States Munitions of War," which was approved March 13, 1900, until the funds appropriated by said resolution, or so much thereof, as may not have heretofore been expended, shall be exhausted, and no part of said fund appropriated by said resolution, shall be used except as provided by this act, and thereafter the entire appropriation made by this section, shall be paid out of any funds in the Treasury not otherwise appropriated. The State Military Fund shall be disbursed from time to time, by the authority of the Governor and under such regulations as he shall prescribe for the organization, administration, equipping, and uniforming the Kentucky National Guard; for the purchase of tactics, laws and regulations of the United States; for instruction of the Kentucky National Guard; for the publishing of regulations for their government; for the renting of armories; and for the care and preservation of public property; for the purchase of such camp and garrison equipage and military stores as may be necessary; and, generally, as, in his judgment, may best promote the interests of the Kentucky National Guard.

SALARIES—HOW PAID.—The Adjutant General shall receive an annual salary of two thousand dollars to be paid in monthly installments out of the Treasury, from the General Fund; the colonel in the Adjutant General's Department shall receive an annual salary of fifteen hundred dollars to be paid in like manner as the salary of the Adjutant General; the captain in the Ordnance Department shall receive an annual salary of six hundred dollars, to be paid in like

manner as the salary of the Adjutant General; and in addition to said salary of six hundred dollars per year, he shall be paid four hundred dollars in equal monthly installments out of the State Military Fund. Compensation of other officers and employees in the Adjutant General's Office, when on duty, shall be fixed by the Adjutant General and the Governor, and paid out of the State Military Fund, and shall not be a charge against the General Fund of the State.

ACTIVE SERVICE PAY—HOW PAID.—Officers and enlisted men when employed in active service, as defined and as provided in this act, beginning with the day they assemble at their armories, or other designated place, until the day they have returned thereto and properly relieved, inclusive; fractional parts of a day counting a full day, a day beginning immediately after midnight and ending the following midnight, shall receive pay and allowances at the following daily rates: Officers; major general, twelve dollars; brigadier general, ten dollars; colonel, eight dollars; lieutenant colonel, seven dollars; major, six dollars; captain, five dollars; first lieutenant, four dollars and fifty cents; second lieutenant, four dollars; and in addition the cost of hire or rental of quarters, and the cost of hire of one horse and one forage ration when required to be mounted; officers shall provide their own subsistence. Enlisted men; chief musician, three dollars; regimental sergeant major, regimental quartermaster sergeant, regimental commissary sergeant, first sergeant, and principal musician, two dollars and fifty cents; battalion sergeant major, color sergeant, and drum major, two dollars and twenty-five cents; company quartermaster sergeants, sergeants first-class, sergeants and cooks, two dollars; corporal and artificer, one dollar and seventy-five cents; musician, privates first-class and privates, one dollar and fifty cents. Each enlisted man shall be entitled to one ration per

day, or commutation of same, at actual cost of subsistence, not exceeding seventy-five cents per day. The pay and allowances authorized by this section shall be paid out of the Treasury on warrant of the Auditor of Public Accounts, upon organization pay-rolls, or vouchers for individuals, as may be required, accompanied by copies of the orders authorizing the service; approved pay-rolls and vouchers shall be certified by the Adjutant General and approved by the Governor by his own signature.

OFFICERS AND ENLISTED MEN NOT ENTITLED TO PAY FOR ACTIVE SERVICE.—Officers and enlisted men employed in the Adjutant General's office, or in the military service, and who receive a salary for such services from the State, shall not be entitled to additional pay from the State, for active service, or active duty, but shall be entitled to actual cost of subsistence and quarters and proper expenses when serving under orders of the Governor, beyond the limits of the city of Frankfort.

SALARIED OFFICERS AND ENLISTED MEN ENTITLED TO UNITED STATES PAY.—The provisions of the preceding section shall not prohibit an officer or enlisted man from receiving pay from the United States, for participation in encampments or field service.

COMPANY ALLOWANCE.—Each company and equivalent unit shall be allowed fifty dollars per annum from the State Military Fund for expenses incidental to cleaning and repairing clothing and equipment; said amount to be placed to the credit of the organization at the commencement of the fiscal year, and the commanding officer shall certify all vouchers for such service and supplies and forward same to the Adjutant General for payment; any unexpended balance remaining to the credit of the organization, at the close

of the fiscal year, shall be carried over and placed to the credit of the organization for the succeeding year. The expenditures for any fiscal year shall not exceed the amount on hand to the credit of the organization for that fiscal year.

ALLOWANCE FOR ARMORER.—There shall annually be allowed and paid from the State Military Fund, to each company and equivalent organization, for the services of an armorer, who shall devote all necessary attention to the care of the arms, equipments, uniforms, and quarters of the company, the sum of one hundred and twenty dollars, to be paid on vouchers certified by the company commander.

INCURRING OF UNAUTHORIZED EXPENSE.—No officer or enlisted man of the militia shall incur any expenses whatsoever, to be paid by the State, except such as are authorized by this act, without first obtaining the authority of the Governor; in extreme emergencies, however, the commanding officer of any organization or detachment of the organized militia may make purchases of such necessities as are absolutely required for the immediate use and care of his command; a report of such action, containing a statement of the articles purchased, and the prices thereof, shall be made forthwith to the Adjutant General. Such accounts shall be audited by the Adjutant General and he may allow, or disallow, same, as he shall SQ determine.

RECEIPTS FOR MONEY EXPENDED—REQUIRED.—The original receipts, written with ink or indelible pencil, shall be required for any expenditure in the military service, of one dollar or more, where payment is made from State Funds; Provided, that if it is impracticable to secure a receipt, a certificate shall be attached to the claim setting forth the facts.

PUBLIC PROPERTY.

MILITARY PROPERTY PROVIDED.—Except as hereinafter provided, organizations of the Kentucky National Guard shall be furnished, at public expense, with sufficient serviceable uniforms, arms, equipments, colors, musical instruments, books of instruction and of record, supplies, camp and garrison equipage, and horses and wagons necessary for their proper training and instruction, and for the proper performance of military duty. Such expense as is not borne by the United States, may be paid from the State Military Fund, but shall not be made a charge against the General Fund of the State.

BONDS.—Such officers as may be designated by the Governor, shall execute proper bond to the State of Kentucky, in such sum as the Governor may prescribe, and no officer shall be relieved of any bond he may have executed, nor shall his surety be relieved, nor shall his estate be affected in any way, by resignation, discharge, change in official position, or death, until final settlement of all of his accounts have been made and a certificate of such settlement issued by the Adjutant General.

RETURNS OF PROPERTY.—An officer accountable for military property shall make returns of same in such form and at such times as the Governor may prescribe.

PROPERTY TO BE KEPT IN ARMORY.—All arms, equipments, and military property furnished for the use of the several organizations of the Kentucky National Guard, shall be kept in the armory of the command, except when in use for authorized military purposes.

USE OF MILITARY PROPERTY—UNAUTHORIZED.—No article of military property shall be used for other than authorized military purposes.

WEARING OF UNIFORM—UNAUTHORIZED—DISCRIMINATION AGAINST—PENALTIES.—The uniform of the Organized Militia of the United States, or of the United States Army, Navy, or Marine Corps, or any part thereof, shall not be worn by persons other than members thereof, nor shall the owner, proprietor, manager, or employee of any hotel, opera house, skating rink, or any other place of public amusement, or entertainment, deny admission to, or in any way, discriminate against any member of the Organized Militia of the United States, or of the United States Army, Navy, or Marine Corps, on account of his being in the uniform of his rank and service; Provided, however, that nothing in this act shall apply to persons of the theatrical profession while actually engaged in their profession, or veterans of a soldier's home while actually in such a home, or veterans of the Civil War. Any person violating any provision of this section shall, upon conviction, be punished by a fine not exceeding three hundred dollars.

UNAUTHORIZED USE OF MILITARY PROPERTY.—No soldier shall wear, or use, or have in his possession, except for military purposes, or by special permission of his commanding officer, any uniform, or part thereof, or other article of military property belonging to the State or the United States. Any person violating any provision of this section shall, upon conviction, be punished by a fine not exceeding fifty dollars.

PRIMA FACIE EVIDENCE OF EMBEZZLEMENT.—Every officer and enlisted man shall, imediately after use, return thereto, all military property of the State and of the United

States, issued to him for military service or duty, and the possession by him when not in active service, or on active duty, or without permission of his commanding officer, of any such property, elsewhere than in the armory, shall be prima facie evidence of embezzlement.

MONEY VALUE OF PROPERTY TO BE CHARGED.—Every officer and enlisted man of the Kentucky National Guard, who may lose through carelessness or neglect, carry away or unlawfully dispose of arms, equipments, or other military property belonging to the United States, or to the State, shall be charged with the money value thereof, as determined by an approved report of survey, by a surveying officer. designated by the Governor.

OFFICERS LIABLE FOR PROPERTY.—Officers shall exercise the strictest care and vigilence for the protection of uniforms, arms, equipments, and military property furnished for the use of the several commands, and in case of any loss thereof, or damage thereto, by their neglect or default, they and their surety shall be liable on their bonds to the State. They shall also be liable to punishment by sentence of a court-martial for neglect of duty.

UNAUTHORIZED LOAN OR TRANSFER OF PROPERTY.—An officer shall be accountable for all public property, funds and papers received by him for military use; and shall not dispose of, loan, or transfer the same, or any part thereof without the authority of the Governor.

TRANSFER OF PROPERTY.—An officer of the Kentucky National Guard vacating an office, shall transfer to his successor, or other officer designated by the Governor, all records, funds, papers, and military property in his possession belonging, or in any way pertaining, to such office.

OFFICERS RESPONSIBLE FOR PROPERTY.—Upon disbandment by muster-out of service of any organization, the officers thereof shall be responsible for the safe return to the Adjutant General, or to an officer designated by the Governor, all military property in his possession.

SUITS FOR RECOVERY OF PROPERTY.—Suits for the recovery of any property mentioned in this act, or for the value thereof, or damage thereto, may be brought in any court of competent jurisdiction in this State, in the name of the State of Kentucky, to the use of the officer, or soldier, entitled to recover the same; any amount so recovered in money, shall be paid into the Treasury of the State, and be credited to the State Military Fund.

COURTS-MARTIAL.

GENERAL COURT-MARTIAL—OFFICERS.—General courts-martial for the trial of commissioned officers shall be ordered and appointed by the Governor, and shall consist of not less than five, nor more than thirteen, officers. Such courts shall be governed by the regulations and procedure prescribed by the Governor, and the findings of same shall be forwarded to the Adjutant General of the State by the Judge Advocate of the court, and when approved by the convening authority, shall be final. Such courts shall have authority to try commissioned officers for disobedience of orders, violation of the laws, rules and regulations governing the Kentucky National Guard; for desertion, absence without leave, embezzlement, conduct unbecoming an officer and a gentleman, and conduct to the prejudice of good order and military discipline. The senior officer of the court shall act as president, and one member designated as such by the convening authority, shall act as Judge Advocate, and shall prosecute in the name of the State. Such courts shall have power to administer oaths,

hear and determine cases, and when satisfied of the guilt of the accused party, shall have power, subject to approval by the convening authority, to inflict the following punishment: Reprimand, suspension, fine, forfeiture of pay, dismissal from the service, dishonorable discharge from the service, and confinement; Provided, however, that no forfeiture of pay shall exceed the sum of two hundred dollars, and no period of confinement shall exceed eight months.

GENERAL COURTS-MARTIAL — ENLISTED MEN. — General courts-martial for the trial of enlisted men shall be appointed by the Governor, and shall consist of not less than three, nor more than thirteen, officers. Such courts shall be governed by the regulations prescribed by the Governor, and the findings of same, when approved by the convening power, shall be final. Such courts shall have authority to try enlisted men for the following offenses: Disobedience of orders, violations of the laws, rules and regulations governing the Kentucky National Guard; for absence from drills, instruction, encampments, or other duties; for the loss, destruction, or misuse of uniform or equipment; for desertion, and for conduct to the prejudice of good order and military discipline. At a general court-martial appointed for the trial of enlisted men, the senior officer shall act as president of such court-martial, and one officer designated as such by the convening authority, shall act as Judge Advocate, and shall prosecute and conduct the case in the name of the State. Such courts shall have power to inflict the following punishments; Fine, forfeiture of pay, reduction to ranks, confinement, dishonorable discharge from the service; Provided, however, that no forfeiture of pay shall exceed fifty dollars, and no period of confinement shall exceed one month.

PRESIDENT OF A GENERAL COURT-MARTIAL.—The highest officer in rank present will act as president of the court-martial. Besides his duties and privileges as a member, the

president is the organ of the court to maintain order and to conduct its business; he speaks and acts for the court in every instance where a rule of action has been prescribed by law, regulations, or its own resolutions; he administers the oath to the Judge Advocate, and authenticates by his signature, all acts, orders, and the proceedings of the court requiring it.

JUDGE ADVOCATE.—The Judge Advocate shall prosecute in the name of the State of Kentucky, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answers to which might tend to criminate him. In conjunction with the president of the court, he shall authenticate the record by his signature, and at the end of the trial, transmit the same to the convening authority, through the Adjutant General. He shall take no part in the deliberations, findings, or sentence of the court, and shall bear the same relation to the court as a Commonwealth's Attorney would to a judge and jury in a criminal case under the laws of Kentucky.

ORDER APPOINTING A GENERAL COURT-MARTIAL.—The order appointing a general court-martial will name its members in order of rank, and they will sit according to rank as announced. A decision of the appointing authority, as to the number that may be assembled, so long as it is more than five, for the trial of an officer, and three for the trial of enlisted men, shall not be questioned. The place of holding the court is designated by the authority appointing it.

ORDER PROMULGATING PROCEEDINGS.—The order promulgating the proceedings of a general court-martial, or summary court, and the action of the reviewing authority will,

when practicable, be of the same date; when this is not practicable, the order will give the date of the action of the reviewing authority and the date of the beginning of the sentence, or forfeiture. The order will also include so much of the proceedings as will give the charges and specifications, pleadings, findings, and sentence, and the actions and remarks of the reviewing authority. An officer or enlisted man, awaiting the result of trial, will not be paid before the result is known.

SENTENCE—WHEN OPERATIVE.—A sentence to confinement, with or without forfeiture of pay, cannot become operative prior to date of confirmation by the reviewing authority.

RECORD.—Every court-martial shall keep a complete and accurate record of its proceedings, which will be authenticated, in each case, by the signatures of the president and the judge advocate. The form of this record and the method of procedure may be prescribed, from time to time, by the Governor in such rules and regulations as he shall see fit to issue. Whenever, by reason of the death, or disability, of the judge advocate occurring after the court has decided on the sentence, the record cannot be authenticated by his signature, it must show that it has been formally approved by the court and must be authenticated by the signature of the president. The judge advocate shall affix his signature to each day's proceedings.

When records of trial by a general court-martial are written on the typewriter, a copyable ribbon will be used and, at least, two copies of the record will be made, one of which will be furnished the accused.

RECORD—HOW TRANSMITTED.—The judge advocate will transmit the record and proceedings without delay to the Adjutant General of the State, who shall transmit same to the convening authority.

ERRORS IN PREPARATION OF RECORD OR CONCLUSIONS OF COURT.—When the record of a court exhibits error in preparation, or seemingly erroneous conclusion, the reviewing authority may reconvene the court for reconsideration of its action pointing out defects. Should the court concur in the views submitted, it will proceed by amendment to correct its error and may modify, or completely change, its findings. A re-opening of the case by calling, or recalling, witnesses is illegal.

POWER TO REMIT OR MITIGATE.—The power to remit or mitigate punishment imposed by a court-martial, is vested in the authority who convened the court, while the convening authority may remit, or mitigate, a sentence, he shall not change it so as to impose a punishment of a different nature.

REPORTER.—The employment of a stenographer-reporter may be authorized by the convening authority for all general courts-martial. When a reporter is so employed, he shall be paid upon the voucher of the judge advocate from the Military Fund, a sum not to exceed one dollar an hour for the time occupied in court by himself, or a competent assistant, and ten cents per hundred words for transcribing the notes and five cents per word for copying exhibits and two cents per word for the carbon copy.

INTERPERTERS.—Interperters shall be paid in like manner as the reporter, on vouchers prepared by the judge advocate, on certificate by the judge advocate that they were employed by the order of the court; they shall be allowed pay

and allowances of civilian witnesses appearing before a criminal court of the State.

EXTRA PAY NOT ALLOWED PERSONS IN THE MILITARY SERVICE.—No person in the military service of the State can lawfully receive extra pay, or compensation, for clerical duties performed for a military court, or for acting as an interpreter.

WITNESSES OTHER THAN THOSE BELONGING TO THE NATIONAL GUARD.—Witnesses other than those belonging to the National Guard of the State, who appear before a general court-martial, shall receive the same pay and allowance as a witness appearing before a criminal court of the State.

WITNESSES REFUSING TO APPEAR.—In case a witness, other than one belonging to the National Guard of the State, who has been duly subpoenaed to appear as a witness, or testify, or produce documentary evidence before a general court-martial refuses to appear, he shall subject himself to the same fines and penalties as one failing to appear before a circuit court of the State.

SUBPOENA—HOW SERVED.—Subpoena shall be made out in the name of the State of Kentucky, and shall notify the witness of the hour and place at which he is to appear. It shall be signed by the judge advocate of the court and shall be served upon him by the judge advocate of the court, or any peace officer of the State. The judge advocate, or a peace officer, shall make his return of service in the same manner as is provided for the return on a subpoena in the State courts.

OATH TAKEN BY MEMBERS OF A GENERAL COURT-MARTIAL.—The following oath shall be taken by all members of a gen-

eral court-martial for officers and general court-martial for enlisted men:

You ....., do swear that you will well and truly try and determine, according to the evidence, the matter now before you, between the State of Kentucky and the prisoner to be tried, and that you will duly administer justice without partiality, favor, or affection; and you further swear that you will not divulge, except to the judge advocate, the sentence of the court, until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in the due course of law. So help you God!

The above oath shall be administered by the judge advocate to every member of a court-martial.

OATH OF JUDGE ADVOCATE.—The following oath shall be administered to the judge advocate of every court-martial at the trial of an officer or enlisted man, by the president of the court:

You ....., swear that you will not disclose the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in the due course of law, nor divulge the sentence of the court to any but the proper authorities, until it shall be duly disclosed by the same. So help me God!

OATH OF WITNESS.—You ....., swear that the evidence you shall give, in the case now in hearing, shall

be the truth, the whole truth, and nothing but the truth. So help you God!

OATH OF REPORTER.—You swear that you will faithfully perform the duties of reporter to this court. So help you God!

OATH OF INTERPRETER.—You swear that you will truly interpret in the case now in hearing. So help you God!

OATHS—HOW ADMINISTERED.—Witnesses, reporters and interpreter shall be sworn by the judge advocate.

EXAMINATION OF A MEMBER OF THE COURT AS TO HIS COMPETENCY.—Whenever a question arises under such rules and regulations as may be hereafter prescribed by the Governor, governing the procedure of courts-martial, touching the competency of any member of the court to sit as such, the member shall take the following oath, upon being examined as to his competency to act as a member of said court:

You swear that you will true answers make to questions touching your competency as a member of this court. So help you God!

This oath shall be administered by the judge advocate.

CHARGES AND SPECIFICATIONS.—All persons brought before a general court-martial or summary court for trial, shall be tried on properly prepared charges and specifications. A military charge shall correspond to a civil indictment and will consist of two parts: A technical charge, which shall designate the alleged offense in general terms, and a specification, which shall set forth and describe the

facts constituting same. The charge shall be laid under a statute of Kentucky, or any article, rule, or regulation prescribed by the Governor for the maintenance of military discipline. The specification shall set forth sufficient facts to constitute a particular offense.

CHARGES AND SPECIFICATIONS—BY WHOM PREFERRED.—Charges and specifications can only be preferred against officers and enlisted men of the Kentucky National Guard, by the Governor, or by commissioned officers of the Kentucky National Guard. Charges against officers and enlisted men, forwarded to the authority competent to appoint a general court-martial for their trial, will be accompanied by statement of service, properly filled out, proper evidence of previous condition, if any, and a brief statement of the evidence expected from each witness, together with the statement of any other available evidence in the case.

SUMMARY COURT.

SUMMARY COURT—COMPOSITION.—A summary court shall consist of one officer designated by the commanding officer of the regiment, separate battalion, company or other detachment. When more than one officer is present with the command, the commanding officer shall not designate himself as a summary court.

LIMITS OF PUNISHING POWER—JURISDICTION AS REGARDS PERSONS.—A summary court cannot legally try officers, but it shall have authority to try all enlisted men of the Kentucky National Guard.

POWERS.—A summary court shall have power to administer oaths, hear and determine cases, and when satisfied of the guilt of the accused party, to judge the punishment to

be inflicted for the following offenses: Disobedience of orders, violations of the laws, rules and regulations governing the Kentucky National Guard; absence from drills, instruction, encampments, or other duties; loss or destruction or damaging of uniforms or equipments; for desertion, and for conduct to the prejudice of good order and military discipline. Such courts shall have power to inflict the following punishments; Fine, forfeiture of pay, reduction to ranks, and confinement; Provided, however, that no fine, or forfeiture of pay, shall exceed the sum of fifteen dollars and no period of confinement shall exceed a period of fifteen days. A sumary court, as soon as the trial is concluded, shall record its findings and sentence, and submit the same to the officer appointing the court, who shall, upon his approval of same, forward same with his approval to the Governor, and upon approval by the Governor, same shall be carried into force and effect; Provided, however, that at or during encampments, or when on active duty or on active service, the convening authority shall have power to approve and carry into effect all sentences of summary courts relating to fines, forfeitures and confinements, and that the confinement shall be in the guard tent, or guard house, of such regiment, battalion, company, or detachment.

The record of a summary court and its procedure shall be prescribed by the rules and regulations issued by the Adjutant General on the approval of the Governor.

PLACE OF CONFINEMENT.—Any jail or prison of the State designated by the Governor, shall be used as a place of imprisonment, or detention, of any person convicted and sentenced to imprisoment by a general court-martial, or a summary court, and every jailer or warden shall, upon notification by the Governor, receive and confine such person so convicted, and shall carry into execution the sentence of such

court-martial, or summary court, as if they were the directions and orders of properly constituted civil authorities, ordering the confinement of persons for criminal offenses. The cost of imprisonment, or detention, shall be a proper charge against the county in which the prisoner is confined, and shall be paid for at the same rates as those prescribed for the detention of other prisoners in the county jail. The authority which has designated the place of confinement, may change the place of confinement of any prisoner under the jurisdiction of such authority.

COLLECTION OF FINES.—All fines and penalties laid and found by general courts-martial, or summary courts, shall be collectible from pay and allowance due persons so convicted, from the State or the United States, and in case it is found that the person so convicted has not his credit sufficient funds to meet such fines and forfeitures, they shall be collectible in the same manner and by the same means as fines assessed in any other misdemeanor case by a county judge or magistrate. All fines collected on account of trial by courts-martial and summary courts shall revert to, and be paid into, the Treasury of the State, and be credited to the Military Fund.

TESTIMONY.—Testimony taken before a summary court will not be reduced to writing.

COURTS-MARTIAL, EXPENSES OF.—All expenses of a general court-martial not otherwise provided for herein shall be payable out of the General Fund upon properly certified vouchers, approved by the judge advocate of said court, the Adjutant General and the Governor.

ACCUSED HAVE RIGHT TO COUNSEL.—An accused appearing before a general court-martial, or summary court, shall

have the right to be represented by counsel; such counsel may be a commissioned officer of the Kentucky National Guard or any duly licensed lawyer in the State of Kentucky.

BOARDS OF EXAMINATION.—The Governor may, whenever he may deem that the good of the service requires it, order any commissioned officer before a board of examination, to consist of not less than three, nor more than five, general staff and field officers. Such boards shall have the power of courts of inquiry and courts-martial, and shall examine into the moral character, capacity, and general fitness for service of such commissioner officers, and record and return the testimony taken and a record of its proceedings. If the findings of such board be unfavorable to such officers and be approved by the Governor, he shall be discharged from the service. No officer whose grade, or promotion, would, in any way, be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Failure to appear, when ordered, before a board constituted under this section, shall be sufficient ground for a finding by such board, that the officer ordered to appear, be discharged, unless sufficient reason be known to the board to account for such failure.

MILITARY SUBORDINATE TO CIVIL POWER.—The military shall be, at all times, and in all cases, in strict subordination to the civil power.

ACTIVE SERVICE—EMPLOYMENT OF MILITARY FORCE.

AUTHORITY TO CALL INTO SERVICE.—It shall be the duty of the Governor, whenever he may deem it necessary, for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence, or

other danger to the public interests, make it necessary to employ military force in aid of the civil power of the government, for the enforcement of the law, or to preserve the peace, and the security of the rights and lives, or property of the citizens, to order into active service, so much of the Kentucky National Guard, or military force of the Commonwealth, as he may deem necessary, and he may by his order, prescribe the duty to be performed by the troops, thus called into active service. The Governor may direct the commanding officer of such military force, thus ordered into service, to report to any of the following named civil officers of the district, county, city, or town; circuit judge, county judge, or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction, and disposition of the troops, and the particular means to be employed to accomplish the object, shall be left solely to the officers of the militia.

CIVIL OFFICERS HAVE AUTHORITY.—Civil officers have authority in case of breach of the peace, riots, mobs, great calamity, resistance to the process of the State, or imminent danger thereof, or imminent danger of violence to life or property, and one of the civil officers named in the next preceding section may, by written order to the commanding officer of any division, brigade, regiment, battalion, or company, or other unit of the Kentucky National Guard, order into active service such part of the National Guard, to be specified in his written order, as such civil officer may deem necessary to assist the civil authorities to enforce the law, and to prevent violence to persons or property; Provided, that such civil officer shall have such authority only in case of emergency, when in his judgment, it is impossible, or impracticable, to communicate with the Governor, in time to prevent threatened violation of law or danger to person or

property. Such civil officer and the commanding officer of the troops ordered into service by him, shall, as soon as possible, report said facts and circumstances relating thereto, to the Governor, and the Governor shall take such action as he may deem necessary. Troops shall not be relieved from active service except by order of the Governor.

USE OF ARMS—SELF-DEFENSE ONLY.—In all cases where the militia is ordered into active service, it will use every reasonable and proper endeavor to accomplish the purpose for which it is called into active service without resorting to violence or the use of arms, and the commanding officer will resort to the use of arms only in self-defense of the troops, or as the final and only means of maintaining the law, and preventing violation thereof.

BOUNDS—SELLING LIQUOR—PENALTIES.—Whenever any portion of the militia shall be ordered into active service, or active duty, under this law, the commanding officer may fix certain bounds within which no person shall enter without leave; and whoever intrudes within such limits, when forbidden to do so, or after entering by permission, conducts himself in a disorderly manner, or whoever resists a sentry, or soldier, acting under orders to prevent such entry, or to prevent disorderly conduct, may be arrested by the commanding officer, or by his order, and turned over to the civil authorities for trial, and, upon conviction of the offense, shall be punished by a fine of not more than one hundred dollars, and committed until such fine is paid, or, if any person shall temporarily erect any stand, booth, or other structure for the purpose of exposing for sale, giving, bartering, or otherwise disposing of, any spirituous or intoxicating liquors whatsoever, at or within the distance of two miles from any encampment, or place of assembly or other military service or duty, he may be placed immediately under guard and kept

at the discretion of the commanding officer, and such commanding officer may turn every such person to any police officer or constable of the city, or county, wherein such duty, service, encampment, or other assembly is held, for examination or trial before any court of justice having jurisdiction of the place, and upon the conviction of the offense, he shall be punished by a fine of not more than one hundred dollars, and be committed until such fine is paid.

MILITARY FORCES TO HAVE RIGHT OF WAY—EXCEPTIONS.—United States forces or troops, or any organization of the Kentucky National Guard, parading or performing any duty according to law, may have the right of any highway or street through which they may pass; Provided, the carriage of the United States mail, the ligimate functions of the police, and the progress and operation of fire engines and fire-departments, shall not be unnecessarily interfered with thereby.

OFFICERS REFUSING TO OBEY ORDERS.—Any militia officer who shall refuse or neglect to obey any order, lawfully issued, provided in this act, or who shall hinder, interfere with, or prevent any of the men of his command from performing such duty, or in any manner, by neglect prevent the due execution of the law, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

ENLISTED MAN REFUSING TO OBEY ORDERS.—Any non-commissioned officer, cook, musician, artificer, or private, who shall refuse, or neglect to obey the orders of his commanding offiecr, issued, as provided in this act, or who shall hinder, interfere with, or prevent, any other non-commissioned of-

ficer, cook, musician, artificer, or private from performing any duty under such order, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or by imprisoment in the county jail, for not exceeding thirty days, or by both such fine and imprisonment.

ACTIVE SERVICE DEFINED.—Troops ordered into service as prescribed in this act, for the enforcement of the law and for the preservation of the peace and the security of the rights and lives, or property, of citizens, shall be deemed to be in active service. Officers employed under orders of the Governor in making tours of instruction, inspections of troops, armories, store houses, camp sites, rifle ranges, and military property; in holding elections, mustering in, or mustering out troops; making surveys on military property; sitting on general courts-martial, boards of examination, courts of injuiry, or boards of officers, shall be deemed to be in active service. Orders in every case shall specify if pay and travel are allowed, and the expenses allowed.

RESERVE MILITIA—WHEN MAY BE CALLED OUT—DUTY OF SHERIFF CONCERNING.—Whenever it would be lawful, under the provisions of this law, for the Governor to call into active service, the Kentucky National Guard, he may, if, in his judgment, the services of the Kentucky National Guard would be, or are unequal to the emergency, call out the reserve militia, and shall, by public proclamation, summon all, or any number of them, to be assembled by the sheriff at any point, or points, within the county or respective counties that may be designated by the proclamation; and thereupon the sheriff, on pain of a fine of one thousand dollars for refusal or neglect, shall summon the members of the reserve militia within his county, as he would summon a civil posse, and under similar penalties against those who fail to obey

his summons. But should the Governor's proclamation call for only a part of the reserve militia of any county, the sheriff may first call for volunteers therefor, and if that should appear to be inexpedient, he shall summons the members of the reserve militia to assemble in their magisterial districts, and there determine, under the supervision and control of a justice of the peace, by lot, who shall be selected to fill the quota of that magisterial district.

ASSESSORS TO ENROLL PERSONS LIABLE TO DUTY WHEN REQUIRED.—When the Governor, by public proclamation, as commands, it shall be the duty of the assessor to enroll the names of all persons liable to duty in the reserve militia, and by such time as said proclamation may prescribe, shall transmit said rolls to the Adjutant General of the State.

ASSESSOR—COMPENSATION OF—PENALTY.—When such service is required of the assessor, he shall be allowed one cent for each name returned by him, to be paid out of the State Treasury. And if the assessor neglects or refuses to render said service when so required, he shall be subject to a fine of not more than five hundred and not less than one hundred dollars.

RESERVE MILITIA ORGANIZATION—ELECTION OF OFFICERS—LAWS THAT GOVERN.—Whenever the whole or any part of the reserve militia shall be called out in any county, and it has been determined by summons, or by lot, or by volunteering, who shall perform duty, those from each magisterial district shall, at once, under the supervision of the magistrate, or, in his absence, under the supervision of the presiding officer chosen by themselves, proceed to organize themselves into one or more companies of not less than fifty men, unless there be fewer than that number all told, and shall elect officers provided for in the Kentucky National Guard organization,

and the captain shall appoint the usual non-commissioned officers. When so organized, they shall be conducted to a general place of rendezvous, where such other organization shall be made and officers elected as may be necessary under the Militia Law, or as may be directed by the Governor.

REGULATIONS THAT GOVERN.—The reserve militia so called into service shall become subject to the same laws and regulations as the members of the Kentucky National Guard.

NOT LIABLE TO CIVIL OR CRIMINAL ACTION.—Officers and enlisted men of the militia ordered into active service of the State by proper authority, shall not be liable civilly, or criminally, for any act, or acts, done by them in pursuance of duty in such service.

ACTIVE DUTY.

ACTIVE DUTY DEFINED.—Troops engaged in drill at their home station, or participating in any camps of instruction, camps of rifle practice, practice marches, parades, reviews, expositions, celebrations, or other public exercises, or engaged in escort duty, or other duties not hereinbefore specified, shall be deemed to be on active duty, and no expenses that may arise through such active duty shall, except as hereinafter provided, be made a charge against the General Fund of the State.

GOVERNOR MAY AUTHORIZE PARADES—VOLUNTARY SERVICE.—The Governor may authorize all, or any part, of the Kentucky National Guard to participate in any parade, review, exposition, celebration, or other public exercise, or to serve for escort duty, and such expenses incidental thereto, as he may authorize, may be paid from the State Military

Fund, and shall not be made a charge against the General Fund of the State.

DRILLS, ENCAMPMENTS AND PRACTICE MARCHES.—The Kentucky National Guard shall, except when excused by the Governor, perform not less than five consecutive days of camp or field service, or in practice marches, in each year, at such times and at such places as may be designated by the Governor, and such expenses, as he may authorize, as are not a proper charge against the United States, may be paid from the State Military Fund. Each officer and enlisted man shall assemble for and participate in drill, or other instruction, at the armory, or other designated place for the organization of which he is a member, at least once in each week, unless excused by competent authority.

INSPECTION.

INSPECTION TO BE MADE EACH YEAR.—The Inspector General, or such other officers as the Governor may designate, shall inspect, at least once in each year, and oftener, if the Governor shall deem it necessary, all headquarters, arsenals, store houses, armories, organizations, and all military property belonging to the State, and military property that has been issued to the State by the United States, and such inspector, or inspectors, shall render a detailed report to the Adjutant General of the condition of same.

ARMORIES.

ARMORIES—HOW PROVIDED.—Where militia organizations have been, or may hereafter be, organized and furnished with arms and equipments, in any county of this State, the fiscal court of said county shall provide, at the cost of the county, an armory for drill, and safe place for keeping

such public arms and equipments, where they will be at all times accessible to the organization.

No Military Property to be Issued.—No organization shall be furnished with arms, equipments, or any public property until safe and adequate facilities for the keeping of arms, equipments, and public property has been provided and accepted, subsequent to inspection by an officer designated by the Governor.

Fiscal Courts to Provide.—The fiscal courts shall provide for each command of the Kentucky National Guard, or detachment thereof, permanently stationed within the limits of their respective counties, a suitable hall for the purpose of drill, and suitable rooms annexed thereto, for the meetings of the command for administrative work, for the assembling of the officers and non-commissioned officers for instruction, and for the safe-keeping of military property; and they shall provide for every such armory the necessary fuel and necessary improved modern lights, water, telephone service, and necessary repairs, or shall make a reasonable allowance therefor.

Armory Under Control of Commanding Officer.—Every armory, drill hall or parts of buildings occupied, or used by the Kentucky National Guard for military purposes, shall, during the period of its occupancy for such purpose, be under the control of the commanding officer so using same, and any person who intrudes or enters therein, contrary to his orders, or who molests or obstructs the troops, or any of them, so occupying such premises, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding one hundred dollars; and it shall be lawful for such officer to arrest such person and turn him over to the civil authorities for trial.

ARMORY RENTAL—ALLOWANCES.—For each armory used by a company of infantry, or the equivalent of other troops, provided and maintained by a county in compliance with the provisions of this act, there shall annually be allowed to the county, and paid from the State Military Fund, not to exceed three hundred dollars, which shall be in full for rental and for all other charges of maintenance.

For each additional company quartered therein, not to exceed one hundred dollars; for a detachment, or other troops, such amount as may be determined by the Adjutant General.

Payment shall be made on vouchers certified by the commanding officer of the organization, receiving the use of the armory, and subsequent to the receipt of a satisfactory report, by the Adjutant General, from the Inspector General, or such officer as may be designated by the Governor to inspect armories.

GENERAL PROVISIONS.

FREE PASSAGE THROUGH TOLL-GATES, BRIDGES AND FERRIES.—Any person belonging to the Kentucky National Guard, going to, or returning from, any parade, encampment, drill or meeting, which he may be required by law to attend, shall, together with his conveyance and the military property of the State in his charge, be allowed to pass free through all toll-gates and over all toll-bridges and ferries, if he be in uniform, or presents an order for duty or certificate of membership in the organized militia.

EXEMPTION FROM JURY SERVICE.—The officers and enlisted men of the Kentucky National Guard are exempt from jury service.

EXEMPTION FROM ARREST.—No officer or enlisted man shall be arrested on civil process, except in case of felony, while going to, remaining at, or returning from, a place where he is ordered to attend for election of officers or for miliary service or duty.

SOLDIERS MAY BE ARRESTED AND CONFINED.—The commanding officer of any brigade, regiment, battalion, company, troop, battery or detachment, may arrest, or cause to be arrested by other members of the militia, any member of his command for the violation of any order, regulation or law for the government of the Kentucky National Guard, and may authorize and direct, in writing, any constable, police officer, sheriff or deputy sheriff, of the city or county wherein such violation occurs, to arrest such delinquent member; and such commanding officer may turn over to any constable, police officer, sheriff, deputy sheriff or jailer, any member of his command so arrested or caused to be arrested by him, and such constable, police officer, sheriff, deputy sheriff or jailer shall hold such men so arrested by him or turned over to him as aforesaid, in his custody or in confinement in the county jail until he has been tried by the proper court-martial, or has been discharged by the proper authority, and for a period not exceeding five days. Any member so arrested may be confined awaiting court-martial, as prisoners are held charged with misdemeanor, or may be admitted to bail by the officer holding him in arrest or custody, upon giving good surety, to be approved by such officer, in the sum of fifty dollars, or less, if his commanding officer consent thereto, conditioned that the arrested member will appear at the time and place fixed for the trial of his case, and, in the event of his failure to so appear, the amount of said bond to be forfeited, to be recoverable as the penalties in other bonds, and to be paid into the Treasury of the State. The cost of confinement of such member of the militia, so arrested, shall be

paid by the county in the same manner as other misdemeanor cases.

FAILURE OF CIVIL OFFICERS TO ACT.—It is hereby made the duty of all justices of the peace, police judges, constables, police officers, sheriffs, deputy sheriffs, jailers and other civil officers to perform the duties, herein required of and imposed upon them, whenever so requested by an officer of the Kentucky National Guard having the authority so to do as herein provided, and any civil officer above named, who shall wilfully fail or refuse to perform any duty required by him pursuant to this act, shall be guilty of a misdemeanor, and upon conviction, in any court of competent jurisdiction, shall be fined not less than one hundred dollars and not exceeding five hundred dollars.

PENALTY FOR ASSEMBLING OR DRILLING WITH ARMS WITHOUT LICENSE.—EXCEPTIONS.—It shall be unlawful for anybody of men whatsoever, other than the regularly organized militia of this State and the troops of the United States, to associate themselves together as a military company, or other armed organization, or to drill or parade with arms, anywhere within the State, without the license of the Governor thereof, which license may, at any time, be revoked; Provided, that nothing herein contained shall be construed to prevent benevolent or social organizations from wearing swords, or students in educational institutions, chartered under the laws of the State, wherein military science is part of the course of instruction, from drilling and parading with arms in public, under the superintendence of their instructors. Whoever offends against the provisions of this section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine of not less than ten or more than fifty dollars, or imprisoned in the county jail for a term not exceeding six months, or both.

DUTY OF COMMONWEALTH ATTORNEYS AND COUNTY ATTORNEYS.—It is hereby made the duty of the Commonwealth Attorneys and County Attorneys, upon the request of any commanding officer of the Kentucky National Guard, to render legal advice and assistance to such commanding officer, with reference to his powers and duties, under this act, and assist in prosecutions under this act.

UNAUTHORIZED PARADES—VOLUNTARY SERVICE.—No parade or voluntary service shall be performed by any company, or part thereof, under arms, or in uniform, without the approval of the regimental commander, or higher authority.

DISABLED IN ACTIVE SERVICE OR ON ACTIVE DUTY.—An officer or enlisted man becoming disabled while in active service, or on active duty, shall be furnished, under the direction of the commanding officer, with medicines and proper medical attendance until he has been returned to his residence; the cost of such medicines and medical attendance shall be a proper charge against the State, and shall be paid from the General Fund, on properly certified and approved vouchers.

DYING IN ACTIVE SERVICE OR ON ACTIVE DUTY.—The body of an officer or enlisted man, who dies while in active service, or on active duty, while his command is absent from its home station, shall, under the direction of his commanding officer, be properly prepared for burial, enclosed in a suitable casket, and escorted to his late residence by a proper escord; Provided, that the total cost of embalming and preparing the body for burial, and cost of the casket, combined, shall not exceed the sum of one hundred dollars. The cost of such preparation for burial and casket shall be a proper charge against the State, and shall be paid from the General Fund, on properly certified and approved vouchers.

CONFEDERATE RECORDS.—The Adjutant General of the State of Kentucky is hereby directed to gather all the data obtainable concerning the different organizations, who enlisted or served in the army of the Confederate States in the War of the Rebellion, compiling the same by regiment, battery, troops and company in the usual form of reports of Adjutants General made heretofore in this Commonwealth in regard to other similar organizations, and adding thereto such other information as he may deem best; and he will enter same upon a book to be kept in his office as a public record, giving regiments, etc., in their consecutive number, and he will cause same to be printed in a book to be well bound in cloth and furnish one copy to each county clerk of this Commonwealth and one copy to each Adjutant General of the several Commonwealths of these United States, preserve a reasonable number for his office and the State Library, and cause a suitable number to be printed and placed with the State Librarian for a price to be agreed upon by and between the said Adjutant General and Librarian. The book containing a list of Confederate Volunteers shall be labeled on the title page and on the outside cover, "Confederate Kentucky Volunteers—War 1861-65." In compiling this record, the Adjutant General shall be allowed actual expenses in gathering data of the Confederate Veterans and expense of copies of the War Department, and the assistance of a clerk or stenographer in compiling same, at a salary to be agreed upon by the Governor and Adjutant General. The printing made necessary under this resolution shall be done by the Public Printer, and he shall receive the same pay therefor and be paid in the same manner as other printing is paid for. Any and all expenses arising under this resolution shall be paid out of the General Expense Fund, and the Auditor shall draw his warrant in favor of the person to whom same is due, upon accounts approved by the Adjutant General and Gov-

ernor. (This section is part of a joint resolution of March 27, 1902.)

All acts and parts of acts inconsistent with this act shall be and are hereby repealed.

FLAG—MEXICAN, CIVIL AND SPANISH-AMERICAN WAR.—The sum of two hundred dollars is hereby appropriated out of any funds in the General Fund not otherwise appropriated for the purpose of cleaning, mounting, and preserving seventy-two flags of the Mexican War, Civil War and Spanish-American War, which amount will be expended by the Governor and will be paid on his warrant drawn upon the Treasurer.

All acts and parts of acts inconsistent with this act shall be, and are hereby, repealed.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	E. Bishop	C. W. Burton
J. M. Bean	H. C. Blades	G. E. Carroll
Eli Berry	John F. Brewer	Henry Chunn
Thos. M. Bertram	Wallace Brown	Sidney G. Clay

Sidney J. Collins	R. Dillard Hunter	William A. Perry
Elkanah Dickey	Earl C. Huntsman	W. V. Perry
G. L. Drury	W. J. Jackson	John A. Polin
Ben F. Egleston	Green R. Keller	W. A. Price
Eli Farmer	W. E. King	Walter S. Sinclair
S. Walton Forgy	Charles H. Knight	W. Scott Smith
John F. Fryer	William J. Kuh	Adam Spahn
Allie T. Gaines	James A. Leach	A. H. Stamper
T. J. Gregory	J. Albert Leach	John G. Stoll
Joe Hall	F. A. Lochry	C. B. Thompson
Elwood Hamilton	B. J. Matthews	E. B. Thompson
V. D. Hammond	Harry J. Meyers	D. B. Thurman
A. B. Hatton	R. C. McClure	Louis B. Tieman
L. B. Herrington	Charles D. McCrea	David W. Wiley
A. B. Holland	L. B. Owen	B. S. Wilson
John W. Holland	Luther C. Owings	Edward L. Young
James R. Howell	W. F. Parker	—62

Those who voted in the negative were—

D. Clarence Gray

—1

Resolved that the title thereof be as aforesaid.

Mr. Knight moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 27, 1912.

The House was opened with prayer by the Rev. Father J. A. Flynn, of the Roman Catholic Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

By Mr. Chunn:

1. Petition of sundry citizens of Calloway County asking the enactment of H. Bs. 225 and 464, relating to education.

By Mr. Speaker Terrell:

2. Petition of sundry citizens of Russell County protesting against the passage of Senate Bill No. 7, making compulsory the building of High School buildings in each county seat of Kentucky.

By Mr. Forgy:

3. Petition of sundry citizens of Todd County asking for the passage of a law protecting the game of Kentucky.

By Mr. Hunter:

4. Petition of sundry citizens of Clark County asking the passage of a law requiring all officers to be elected directly by a vote of the people.

Which were received, their reading dispensed with and referred,

1. To Committee on State University and Normal Schools.

2. To Committee on Education No. 1.

3. To Committee on Fish and Game.

4. To Committee on Public Roads and Highways.

A message was received from the Senate announcing that they had received official information that the Governor had signed and approved a bill which originated in the Senate of the following title, viz.:

S. B. 40. An act to amend an act approved March eight, one thousand nine hundred and four, entitled "An act to amend an act etitled an act for the relief of the Court of Appeals, approved October five, one thousand nine hundred."

That they had passed a bill which originated in the House of Representatives of the following title,

H. B. 43. An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of the Commonwealth.

That they had adopted an amendment to an amendment which was proposed by the House of Representatives to a bill which originated in the Senate of the following title, viz.:

S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

And that they had refused to concur in said amendment as amended.

That they had passed bills of the following titles, viz.:

1. S. B. 127. An act to increase the compensation of the members of the General Assembly of Kentucky.

2. S. B. 166. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the strengthening, widening, deepening or otherwise improving public levees, ditches, drains, creeks or non-navigable streams, prescribing the method of procedure, the assessment and collection of the costs and expense thereof, creating and incorporating Boards of Drainage Commissioners and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

3. S. B. 238. An act to divide Kentucky into eleven Congressional Districts.

4. S. B. 288. An act to create the Tenth Judicial District so as to include Metcalfe County in said district.

Said bills were ordered printed and referred,

1. To Committee on Judiciary.

2. To Committee on Public Ditches and Fences.

3. To Committee on Redistricting—Congressional.

4. To Committee on Redistricting—Judicial.

Mr. Clay moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 304. An act providing for the amendment of Section 201 of the Constitution of the Commonwealth of Kentucky.

Said motion was agreed to.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals, Section two hundred and one (201) of the Constitution of the Commonwealth of Kentucky be, and it is, amended by adding thereto the following proviso, to-wit:

"Provided, one steam railroad company may by purchase, lease or otherwise acquired or operate the whole line of another steam railroad company, where such line is less than one hundred miles in length and located entirely in this State;" so that said section when thus amended shall read as follows:

"No railroad, telegraph, telephone, bridge, or common carrier company shall consolidate its capital stock, franchise or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease, or otherwise, any parallel or competing line or structure, or operate the same; nor shall

any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying: Provided: one steam railroad company may by purchase, lease, or otherwise acquire or operate the whole line of another steam railroad company, where such line is less than one hundred miles in length and located entirely in this State."

§ 2. That the foregoing amendment shall be submitted to the voters of this State for their ratification or rejection at the time and in the manner provided for in Section 256 and 257 of the Constitution of this State and in Section 1459 of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1909.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The bill having failed to receive the requisite number of votes (three-fifths of all the members of the House) as provided by the Constitution.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin Eugene G. Asher A. V. Bertram

Thos. M. Bertram	R. Dillard Hunter	W. V. Perry
John F. Brewer	Earl C. Huntsman	John A. Polin
Wm. L. Bowling	Green R. Keller	W. A. Price
C. W. Burton	M. C. Kirk	W. H. Shanks
G. E. Carroll	Charles H. Knight	W. A. Shawler
W. Frank Cole	William J. Kuh	Walter S. Sinclair
Sidney J. Collins	James A. Leach	John G. Stoll
Francis B. Douglas	J. Albert Leach	C. B. Thompson
G. L. Drury	F. A. Lochry	E. B. Thompson
Ben F. Egleston	Hugh Mahin	Yeaman Watkins
J. H. Elder	Harry J. Meyers	E. B. Wiley
S. Walton Forgy	C. B. Nichols	David W. Wiley
John F. Fryer	L. B. Owen	Charles Yancy
Allie T. Gaines	Luther C. Owings	Edward L. Young
L. B. Herrington	J. R. Paxton	Speaker Terrell
John W. Holland	William A. Perry	—49

Those who voted in the negative were—

William Ahl	Eli Farmer	R. C. McClure
George Baker	D. Clarence Gray	Ben E. Niles
J. M. Bean	T. J. Gregory	A. W. Palmer
E. Bishop	Joe Hall	Marion F. Pogue
Hiram Brown	Elwood Hamilton	Stanley F. Reed
Wallace Brown	A. B. Hatton	W. Scott Smith
George P. Chinn	A. B. Holland	A. H. Stamper
Henry Chunn	W. J. Jackson	D. B. Thurman
Sidney G. Clay	W. E. King	J. H. Williams
Elkanah Dickey	B. J. Matthews	—30

The hour of 11 o'clock having arrived, pursuant to leave heretofore granted, the House resolved itself into the Committee of the Whole House for the purpose of further considering a bill entitled,

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

The Speaker vacated the Chair and Mr. Wallace Brown of said Committee reported that they had had said bill under

consideration had made some progress but having concluded same asked leave to sit again tomorrow at 11 o'clock, which was granted.

The hour of 11:30 o'clock having arrived,

The House took up for consideration the Special Order of the Day for that hour a bill entitled,

H. B. 209. An act for the benefit of the Attorney General's Office allowing $1,200 annually for additional clerk hire.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the amount now appropriated to pay the salaries of the employes in the office of the Attorney General, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,200 annually, to be disturbed for additional stenographic help, monthly, as other salaries in said offices are now paid. The Attorney General is hereby authorized to employ such additional help, and he will certify to the Auditor at the end of each month the amount due to such employe or employes, and the Auditor shall draw warrant upon the Treasury in favor of such employe for the amounts so certified.

§ 2. Inasmuch as the work of the office of the Attorney General is now impeded by reason of lack of the help mentioned in Section 1 of this act, an emergency is declared to exist, and this act shall take effect from its passage.

Ordered that said bill be read the third time.

The provision of the constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

George Baker	Joe Hall	J. R. Paxton
Eli Berry	Elwood Hamilton	William A. Perry
A. V. Bertram	A. B. Hatton	W. V. Perry
Thos. M. Bertram	L. B. Herrington	Marion F. Pogue
H. C. Blades	John W. Holland	John A. Polin
Wallace Brown	R. Dillard Hunter	W. A. Price
Wm. L. Bowling	Green R. Keller	Stanley F. Reed
George P. Chinn	M. C. Kirk	S. L. Robertson
Sidney G. Clay	Charles H. Knight	W. H. Shanks
W. Frank Cole	James A. Leach	W. Scott Smith
Francis B. Douglas	J. Albert Leach	Adam Spahn
G. L. Drury	F. A. Lochry	John G. Stoll
J. H. Elder	Hugh Mahin	C. B. Thompson
John M. Farra	B. J. Matthews	E. B. Thompson
S. Walton Forgy	Harry J. Meyers	D. B. Thurman
John F. Fryer	Charles D. McCrea	Louis B. Tieman
Allie T. Gaines	C. B. Nichols	Speaker Terrell
T. J. Gregory	Luther C. Owings	—53

Those who voted in the negative were—

William Ahl	G. E. Carroll	A. B. Holland
Robert H. Akin	Henry Chunn	W. J. Jackson
J. M. Bean	Elkanah Dickey	John G. Kelley
E. Bishop	Ben F. Egleston	W. E. King
John F. Brewer	Eli Farmer	R. C. McClure
Hiram Brown	D. Clarence Gray	L. B. Owen
C. W. Burton	V. D. Hammond	A. W. Palmer

W. F. Parker	Walter S. Sinclair	David W. Wiley
S. H. Rogers	Yeaman Watkins	J. H. Williams
W. A. Shawler	E. B. Wiley	Edward L. Young

—29

Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of 12 o'clock, meridian, having arrived,

The House took up for consideration the Special Order of the Day for that hour a bill entitled,

S. B. 19. An act granting pensions to disabled and indigent Confederate soldiers.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any indigent, disabled person who has been a citizen and an actual bona fide resident of this State continuously since January 1, 1907, and who actually served one year or until the close of the war, as an officer or enlisted man in the military or naval service of the Confederate States of America during the war of 1861 to 1865, or their widow, to whom the soldier was married prior to January 1, 1890, shall be paid out of the State Treasury the sum of ten dollars per month upon due proof of the facts according to forms and regulations prescribed by this act and subject to

the restrictions and conditions provided herein. Provided, that any person who was prevented from so serving until the close of the war by reason of wounds incurred or disease contracted in line of duty in such service; or by reason of being in capacity, shall be entitled to the benefits of this act the same as though he had served until the close of the war; and provided, further, that any person who deserted or was dishonorably discharged from said service shall not be entitled to the benefits of this act, unless he be re-enlisted or returned to said service and served thereafter one year or until the close of the war, or was prevented from so doing by reason of wounds, disease or capacity, as before stated. And that all shall be considered disabled after they shall have reached the age of 65 years of age.

§ 2. No person shall be entitled to the benefit of this act—

Who is able to earn a support by manual labor; or

Who is able to earn a support by reason of his knowledge, art or skill in any profession, trade or craft; or

Who receive a pension from the United States, or any State or foreign government; or

Who removed from this State or is absent therefrom for a period of one year; or

Who possesses a net income to the amount of $300 per year; or

Who has property of the value of two thousand five hundred dollars; or

Who is living with his wife, who possesses property or income sufficient for the suitable support of himself and family, including her husband; or

Whose support is suitably provided for and secured by reason of a contract or agreement for a valuable consideration, with a person able to provide such support; or

Who, by reason of the combined partial ability to earn a support and income or property, or any or all of these combined, is able to obtain an income equivalent to $300 per year.

§ 3. The Governor, Auditor and Secretary of State shall constitute the State Pension Board, who shall examine and grant or reject applications for pensions, and their decision shall be final. The State Pension Board shall prescribe such regulations governing the filing, prosecution, adjudicating and payment of pension claims as may be necessary for the proper carrying out the provisions of this act.

§ 4. Applications for pensions shall be made in duplicate, under oath, substantially in form prescribed by the State Pension Board and shall be attested by two reputable witnesses as to the identity of the applicant. The application shall be filed in the County Court of the county where the claimant resides on or before any regular term lay over until a subsequent regular term of said court, when the judge thereof shall bear testimony in open court as to applicant's citizeznship, residence and his means of support. The county attorney shall be present and represent the Commonwealth, and may produce evidence concerning any facts relative to the claim. The judge of said court shall make a finding of facts in evidence, and forward same with a brief memorandum of the substance of the testimony of each witness heard, with his name and postoffice address, together

with his recommendation upon the merits of the claim, and a copy of the application, to the Adjutant General of the State. The duplicate application shall remain on file in the county clerk's office. The application may be continued from time to time upon motion of the claimant, but shall not be continued more than once over the objections of claimant.

§ 5. The application for pension shall be accompanied by affidavits of two physicians or one physician and two lay witnesses as to claimant's inability to earn a support by manual labor wholly or in part, and the County Judge shall certify whether such witnesses are reputable, and entitled to credit.

§ 6. Upon receipt of an application for pension properly executed, the Adjutant General shall cause the claimant's military record to be examined, and a report thereon shall be filed with the papers in the case. The findings and recommendations of the County Judge shall not be final or conclusive upon any of the issues, but the Adjutant General may call upon the applicant for additional evidence covering any fact necessary to support the claim.

§ 7. When the claimant shall have furnished all the evidence called for by the Adjutant General, or declared his inability to furnish any additional evidence, the claim shall then be submitted to the State Pension Board with the Adjutant General's recommendations endorsed thereon, for final action.

§ 8. When any pension shall be allowed, the Adjutant General shall issue to the applicant a pension certificate at the rate of ten dollars per month from the date of filing the application with the Adjutant General. Payment shall be made on said certificate four times each year; on the fifth day of August, November, February and May, upon the proper

execution of vouchers by the pensioner before an officer authorized to administer oaths. The voucher shall be furnished to the pensioner by the Adjutant General and returned to him after being properly executed. He shall then prepare the pension roll for that quarter, with the postoffice address of each pensioner, and file same together with the vouchers, with the Auditor. The Auditor shall then issue his warrants upon the Treasurer for the respective sums and the Treasurer shall forward a treasury check to the address of the pensioner.

§ 9. For the purpose of carrying out the provisions of this act, the Adjutant General shall have the authority to employ one competent person as examiner of pensions to assist him in the adjudication of pension claims, at a salary not exceeding twelve hundred dollars per year; and one clerk at not exceeding nine hundred dollars per year.

§ 10. No person shall charge or demand or receive more than five dollars for his services as agent or attorney in prosecuting any claim for pension under this act; and any person who shall violate the provisions of this section shall be fined not less than one hundred dollars nor more than three hundred dollars for each offense.

§ 11. The necessary records, books, blanks and stationery used in carrying out the provisions of this act shall be supplied by the Commissioners of Public Printing, and paid for as provided by the law for the printing for the executive department.

§ 12. No pension money granted under this act while due or to become due to any pensioner, shall be liable to attachment or levy or seizure by or under any legal or equitable process whatever, whether the same remains with the

State, or in the course of transmission to the pensioner entitled thereto.

§ 13. Once each year every pensioner under this act shall furnish in addition to the usual voucher, a certificate from the County Judge of the county where he resides to the effect that he is the holder of the pension certificate, is the identical person to whom the same was issued, and that to the best of his belief there has occurred no changes in his financial condition which would render the pensioner ineligible to receive such pension.

§ 14. When in the opinion of the State Board of Pension any pension hereafter granted, or any claim for pension, should be specially investigated, it shall be the duty of the Governor to direct the State Inspector and Examiner to make such investigation of same as requested by the State Board of Pensions, and report in writing the results thereof to said board.

§ 15. The Adjutant General shall furnish to any Confederate soldier of this State blank applications for pension upon application to him for same.

§ 16. No official fees shall be charged by any officer of the county of State for services in connection with the prosecution or collection of any pension under this act. Provided, that this section shall not apply to notaries public.

§ 17. The Adjutant General shall, every two years make and publish a report showing the names, county and postoffice address of each pensioner under this act. Copies thereof shall be furnished to the County Judge, county attorney, county clerk and sheriff of each county.

§ 18. In any case where pension has been granted, if the State Pension Board finds that the pension was wrongfully granted, or that the pensioner is no longer entitled thereto, they shall have the authority to drop said pensioner from the rolls after first giving him thirty days' notice by registered mail, and hearing any evidence the pensioner may offer.

§ 19. In case any person drawing a pension under this act enters the State Confederate Home, he shall not receive any pension for the period he shall remain there.

Mr. Keller offered the following amendment to said bill:

Amend by striking out from line 19, 20 and 21 of Section 1, the words "And that all shall be considered disabled after they shall have reached the age of sixty-five years of age."

Said amendment was agreed to.

Mr. Keller offered the following amendment to said bill.

Add as an additional section to said bill the following:

"There being many old and needy veterans of the Confederate Army now in need of the aid offered by this bill there is declared to be an emergency for this bill going into effect at once and an emergency is hereby declared to exist and this act shall take effect from and after its passage."

Said amendment was agreed to.

Mr. Ahl offered the following amendment to said bill:

Amend by adding thereto after the word "Confederate soldiers" the following: "And all Kentucky State troops or State militiamen who served for a period of not less than ninety days and their widows."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Ahl and Farmer were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	W. Frank Cole	R. C. McClure
George Baker	Eli Farmer	W. F. Parker
John F. Brewer	M. C. Kirk	Walter S. Sinclair
Hiram Brown	J. Albert Leach	Yeaman Watkins
Wm. L. Bowling	B. J. Matthews	—14

Those who voted in the negative were—

Robert H. Akin	Elwood Hamilton	A. W. Palmer
Eugene G. Asher	V. D. Hammond	J. R. Paxton
J. M. Bean	A. B. Hatton	William A. Perry
Eli Berry	L. B. Herrington	W. V. Perry
E. Bishop	John W. Holland	Marion F. Pogue
H. C. Blades	James R. Howell	John A. Polin
Wallace Brown	R. Dillard Hunter	W. A. Price
G. E. Carroll	W. J. Jackson	Stanley F. Reed
George P. Chinn	Green R. Keller	S. L. Robertson
Henry Chunn	John G. Kelley	S. H. Rogers
Sidney G. Clay	W. E. King	W. H. Shanks
Sidney J. Collins	Charles H. Knight	Adam Spahn
Elkanah Dickey	William J. Kuh	A. H. Stamper
Francis B. Douglas	James A. Leach	C. B. Thompson
G. L. Drury	F. A. Lochry	D. B. Thurman
J. H. Elder	Hugh Mahin	David W. Wiley
John M. Farra	Harry J. Meyers	J. H. Williams
John F. Fryer	C. B. Nichols	Charles Yancy
D. Clarence Gray	Ben E. Niles	Edward L. Young
T. J. Gregory	L. B. Owen	—62
Joe Hall	Luther C. Owings	

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
George Baker
J. M. Bean
Eli Berry
E. Bishop
H. C. Blades
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Harry J. Meyers
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
W. H. Shanks
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
D. B. Thurman
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

Eugene G. Asher	Sidney J. Collins	W. F. Parker
A. V. Bertram	Eli Farmer	Walter S. Sinclair
John F. Brewer	M. C. Kirk	Yeaman Watkins
Hiram Brown	J. Albert Leach	
Wm. L. Bowling	R. C. McClure	—13

Mr. Keller offered the following amendment to the title of said bill, viz.:

Amend the title of Senate Bill 19 by making it read "An act granting pensions to indigent and disabled Confederate soldiers and the widows of Confederate soldiers."

Said amendment was agreed to.

The following bill was introduced, viz.:

By Mr. Harry J. Meyers:

H. B. 540. An act to amend Section 3117 of the Kentucky Statutes.

Said bill was ordered to be printed and referred to the Committee on Municipalities.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 26. An act to establish a Department of Banking providing for the appointment of a Commissioner and examiners thereof and prescribing their duties and for the examination of all financial institutions organized or doing business under the laws of this Commonwealth.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

At 1:30 o'clock the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

At 3 o'clock the House reconvened, and took up for consideration the Special Order of the Day for that hour, to-wit: a bill entitled,

H. B. 225. An act for the benefit of the three State Educational Institutions, viz.: State University, Lexington, Kentucky, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing necessary equipment, and for expansion of work; and also providing additional renveues for the maintenance of said institutions.

Mr. W. V. Perry moved that said bill be recommitted to the Committee on State University and Normal Schools with leave to report at any time.

Said motion was agreed to.

The House then took up for consideration the Special Order of the Day which was set for 1 o'clock p. m., to-wit: a bill entitled,

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be effected.

Mr. Robertson moved that said bill be recommitted to the Committee on Judiciary with leave to report at any time.

Said motion was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Collins of the Committee on Charitable Institutions:

S. B. 46. An act for the benefit of the Kentucky Institution for the education of the blind by making an appropriation therefor and providing for the periods of payment.

By Mr. Pogue of the Committee on Education No. 1:

H. B. 526. An act in relation to public schools; teachers therein; examination for certificates, and the eligibility of a teacher to hold the office of Superintendent of County Schools.

By Mr. C. B. Thompson of the Committee on Judiciary:

H. B. 447. An act to regulate the assignment, sale, pledge, mortgage and the transfer of wages to be earned or paid in the future where a whole or a part of the consideration therefor is a sum of money less than $200.

By Mr. Bean of the Committee on Juvenile Courts and Children's Home:

H. B. 305. An act to provide salary for a probation officer for counties having a population of 30,000 or containing a city of the third or fourth class.

By same:

S. B. 60. An act to amend an act entitled an act for the benefit of the Kentucky Home Society for colored children approved March 19, 1910.

By Mr. Kirk of the Committee on Mines and Mining:

H. B. 147. An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein.

By Mr. Berry of the Committee on Municipalities:

H. B. 540. An act to amend Section 3117, Kentucky Statutes.

By Mr. Bishop of the Committee on Public Health:

H. B. 380. An act conferring upon all corporations, societies or associations, hospitals, schools or colleges, organized under the laws of this Commonwealth for the establishment and maintenance of schools for the education or training of persons in the profession, art or skill or nursing sick, invalid or afflicted persons or maintaining or conducting such schools, the power and authority to appoint and remove teachers for same, to prescribe a course of study for the students or pupils thereof, and to confer degrees of graduation therefrom, to award and issue certificates of graduation and diplomas to their students or pupils.

By same:

H. B. 387. An act to require physicians to report all cases of poisoning from lead, phosphorous, arsenic or mercury or their compounds, or anthrax, or from compressed air illness, and to provide method for so doing and to provide a penalty for failure to do so.

By same:

H. B. 391. An act to prevent fraud by regulating the keeping of eggs in cold storage and the sale and use of eggs so kept.

By Mr. Young of the Committee on Revenue and Taxation:

H. B. 432. An act to amend Section 4224, Subdivision 4, Chapter 108, Kentucky Statutes, Carroll's Edition, 1909.

By same:

H. B. 406. An act to amend Section 4072 of Carroll's 1909 Edition of Kentucky Statutes, which relates to the subject of charges against assessors for failure to assess those subject to taxation.

By same:

H. B. 301. An act to amend Section 4281m of Carroll's 1909 edition of the Kentucky Statutes, by inserting the words "and personal" between the words "real" and "property."

By same:

H. B. 254. An act to establish and create a commission to investigate the system of revenue and taxation in force

in this State and recommend for the revision and reform thereof, and to define the powers and duties of this comission and to make an appropriation to carry out its provisions.

By same:

H. B. 444. An act to fix the liquor license to be charged in the cities and towns of this Commonwealth.

By same:

H. B. 320. An act to amend Section 4224, Kentucky Statutes, Carroll's Edition, in regard to revenue and taxation.

By same:

H. B. 434. An act to amend Section 4128 of Article 7 of Kentucky Statutes, entitled revenue and taxation.

By same:

H. B. 392. An act for the benefit of the common schools taxing bachelors between the ages of thirty-five and sixty years.

By same:

H. B. 188. An act to repeal Article 7 of an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

By same:

H. B. 180. An act amending an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

By same:

H. B. 364. An act to regulate the assessment of property in certain counties in this Commonwealth.

By same:

H. B. 187. An act to repeal Article 18 of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act relating to revenue and taxation," approved March 15, 1906.

By same:

H. B. 466. An act providing license tax on foreign manufacturers or dealers in machine made glass containers for spirituous, vinous or malt liquors doing business in Kentucky, and providing penalties for violation of this act.

By Mr. Douglas of the Committee on State Capitol:

H. B. 519. An act relating to crimes and punishment making the erection and maintaining of bill boards, display boards, unsightly houses or sheds within four hundred feet of the State Capitol grounds nuisance and providing a penalty.

By same:

S. B. 322. An act to provide for the repair of the old State Capitol square and the buildings thereon and the use of same and appropriating money therefor.

By same:

S. B. 149. An act designating and setting aside certain rooms in the Capitol building for the use of Senate and

House of Representatives, and providing for the care of same, and penalties for the injury or conversion of same.

By Mr. Wallace Brown of the Committee on Corporate Institutions:

H. B. 513. An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof.

By Mr. King of the Committee on Immigration and Labor:

H. B. 388. An act to regulate the operation of private employment agencies in this Commonwealth.

By Mr. Kelly of the Committee on Cities of Fifth and Sixth Class:

H. B. 477. An act to repeal Chapter 274, Acts 1883-4, incorporating the town of Yosemite in Casey County, approved March 3, 1884.

By Mr. Reed of the Committee on Constitutional Amendments:

H. B. 449. An act for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a convention to amend the Constitution, and to provide for ascertaining the number of citizens entitled to vote for Representatives within this State.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Collins of the Committee on Charitable Institutions:

H. B. 496. An act for the benefit of the Home of Incurables appropriating money for the erection of necessary buildings and furnishing necessary equipment.

By Mr. Bishop of the Committee on Public Health:

H. B. 486. An act to establish a plan for the preparation of antitoxin for membraneous croup and diphtheria and for the distribution of same to the counties of the State.

The question being taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 61. An act to establish a State Board of Forestry prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby established a State Board of Forestry to consist of five members, namely, the Governor of the State, the director of the Kentucky Experiment Station at Lexington, the Commissioner of Agriculture, who shall be ex-officio member of the said board, and three persons to be appointed and commissioned by the Governor, with the advice and consent of the Senate, and to hold office as hereinafter provided.

A State Forester shall be appointed by said board, and he shall be a graduate of a School of Forestry, a technically trained forester and shall have both a practical and theoretical knowledge of forestry and shall hold office for a term of four years and until the appointment and qualification of his successor.

One of the three persons first to be appointed members of said board by the Governor shall be appointed for a term of one year, one for a term of two years and one for a term of three years, and as and when the terms of the members of said board first appointed shall expire, their successors shall be appointed for terms of four years each.

The three members of said board to be appointed by the Governor before entering upon the discharge of their duties, shall each take the oath of office prescribed by the Constitution of the State.

§ 2. The members of the said State Board of Forestry shall not receive any salary for their services as such but shall be paid the necessary expenses incurred by them in going to, attending upon and returning from the meeting of said State Board of Forestry and of its committees. They shall keep an itemized account of their said necessary expenses, which shall be certified and paid in like manner as

provided in Section 16 of this act with reference to the other expenditures of the said board.

§ 3. The State Forester, before entering upon the performance of the duties of his office, shall execute bond to the Commonwealth with surety or sureties worth at the time not less than $20,000, to be approved by the Governor and filed in the office of the Secretary of State, conditioned for the faithful performance of the duties of his office, upon which, for any breach thereof, action may be instituted from time to time and recovery had to the extent of the damage sustained by the Commonwealth or others. Said bond shall be examined and the sureties approved by the Governor once in each year, and he may at any time when he deems the bond insufficient, require the execution of a new bond or additional sureties on the old one.

§ 4. The care, management and preservation of the Forest Reserves of the State hereafter to b acquired and established, and the forests thereon as well as future growth thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal and real property acquired to carry out the objects of this act are hereby made subject to the control of the said State Forestry Board as the same may be herein or in subsequent acts defined and required.

Said board shall observe, keep in view, and, so far as it can, ascertain the best methods of re-foresting cut over and denuded lands, foresting waste lands, preventing the destruction of forests by fire, the administering of forests on forest principles, the instruction and encouragement of private owners in preserving and growing timbers for commercial and manufacturing purposes, and the general conserva-

tion of forest tracts around the headwaters and on the water sheds of all the water courses of the State.

§ 5. Said Board shall have the power to purchase lands in the name of the State suitable for forest reserves, at a price which shall not exceed ten dollars per acre, using for such purposes any surplus money not otherwise appropriated which may be standing to the credit of the forest reserve fund; and to make and enforce all rules and regulations governing State reserves, the care and maintenance thereof, the prevention of trespassing thereon, and for the conduct of its officers, agents and employees; and it may accept gifts of land and money to the State for forestry purposes, the same to be held, protected, and administered by said Board as a State Forest Reserve, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absoute except that mineral and mining rights over and under lands which may be donated may be reserved by the donors, and that they may be subject to a stipulation that the lands shall be administered as State Forest Reserves, and the Attorney General of the State is directed to see that all deeds to the State of lands mentioned above are properly executed before the gift is accepted.

§ 6. Before completing the purchase of any lands for forestry purposes, the Attorney General of the State shall see to it that a good title thereto is obtained and that the deed or deeds therefor are properly executed before payment is made of the purchase money.

§ 7. It shall be the duty of said Board to make or cause to be made a careful investigation of the streams and navigable rivers within and bordering upon the State; of the methods, means, and cost of improving the same; of pre-

venting their pollution; of conserving the water supply thereof; of using the same for the production of power, and how and in what ways the said streams and rivers may be made of most value to the State and to the people thereof.

§ 8. Said Board shall preserve all evidence which it may take with reference to conserving the forest and the water supply of the State and the methods best adapted to accomplish those objects and it shall make report of its doings, conclusions, and recommendations to each session of the General Assembly, and, from time to time, publish, in a popular manner, and print for public distribution, in bulletin or other form, such of its conclusions and recommendations as may be of immediate public interest.

§ 9. For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, said Board, upon the recommendation of the State Forester, may cause to be designated and apprised so much of the dead, matured, or large growth of trees found upon the forest reservations of the State as may be compatible with the utilization of the forests thereon and may sell the same for not less than the apprised value thereof. When the appraised value of the trees to be sold is more than $1,000 said Board, before making sale thereof, shall receive bids therefor after notice by publication once a week for four weeks in two newspapers of general circulation, but said Board shall have the right to reject any and all bids and to readvertise for bids. The proceeds arising from the sale of the timber and trees so sold shall be paid into the State Treasury and shall be held as a special fund for the purchase of additional lands, and shall be paid out in like manner as money appropriated for the use of said Board.

§ 10. The said Board acting as a Forestry Commission is hereby empowered to make and execute contracts and

leases, in the name of the Commonwealth, for the removal of mining of gas, oil or any valuable minerals that may be found in said forestry reservations whenever it shall be made to appear to said Board that it would be for the best interest of the Commonwealth to make such disposition of such gas, oil or minerals, but before a contract or lease is made the same shall be approved by the Governor of the State and bids therefor shall be received after notice by publication once a week for four weeks in two newspapers of general circulation. The said Board shall have the right to reject any or all bids and to readvertise for bids. The accepted bidder shall give bond with good and sufficient surety to the satisfaction of said Board and in such amount as it may fix for the faithful performance on his part of all the conditions and covenants of said contract or lease. The proceeds arising from any such contract or lease shall be paid into the State Treasury to be held and used for the same purposes as the proceeds from the sale of trees and timber and be paid out in like manner.

§ 11. When lands have been acquired by the Commonwealth for forestry purposes, however the same may have been acquired, they shall not thereafter be subject to warrant, survey or patent.

§ 12. The Governor of the State shall be the Chairman of said State Board of Forestry, but when he is absent said Board may elect one of its members as Chairman pro tem.

§ 13. The State Board shall keep a full and accurate account of its receipts and expenditures, and it shall make a full and accurate and complete report to each session of the General Assembly, showing in detail its receipts from all sources and its expenditures and the purposes for which expenditures have been made.

It shall also have power to employ a civil engineer and surveyor from time to time, with his necessary assistants whenever the necessities of the case may require.

§ 14. Subject to the direction of the said State Board of Forestry, the State Forester shall, whenever he may be directed so to do by the said Board, co-operate with counties, municipalities, corporations and individuals in preparing plans for the protection, management and replacement of trees, woodlots and timber tracts under an agreement that the parties obtaining such assistance shall pay the field and traveling expenses of the men employed in preparing said plans.

§ 15. The State Board of Forestry may establish and maintain a nursery or nurseries for the propagation of forest tree seedlings either upon one or more of the forest reservations of the State or upon such other land as the said Board may and which it is hereby empowered to acquire for that purpose. Seedlings from this nursery shall be furnished to the Commonwealth without expense for use upon its forest reservation or other public grounds or parks. Seeds and seedlings may also be distributed to land owners and citizens of this Commonwealth under and subject to such rules and regulations as may be established by said Board.

§ 16. The State Forester shall be the Secretary of the Board and, as such, he shall certify all expenditures of the Board to the Chairman thereof who in turn shall certify them to the Governor for his approval, whereupon, he shall authorize the Auditor of Public Accounts to draw his warrant upon the State Treasurer for the amount thereof; and shall have the supervision and direction of all forest interests and of all matters pertaining to forestry within the State; he shall have charge of all forest wardens who may be appointed by said Board and the appointment, direction

and superintendence of the persons and laborers whom the Board may deem it necessary to employ to perform labor in the forest reservations or the nurseries herein provided for; he shall take such action as is authorized by law to prevent and extinguish forest fires; enforce all laws pertaining to forest and wood land; prosecute any violation of such laws; collect information relative to forest destruction and conditions; direct the protection and improvement of all forest reservations; make the investigation required by Sec. 7 of this act with reference to the streams and navigable rivers within and bordering upon the State and report in writing with regard thereto to the said State Board of Forestry; co-operate with land owners as provided in Sec. 8 of this act; and, as far as his duties as State Forester will permit, carry on an educational course on Forestry at Farmers' Institutes and similar meetings within the State.

He shall also recommend to said Board and prepare for its use plans for improving the State system of forest protection, management and replacement and prepare for said Board annually, and also whenever required so as to do by said Board, a report on the progress and conditions of State Forest work.

§ 17. The State Forester shall furnish notices, printed in large letters on cloth, calling attention to the dangers of forest fires and to trespass laws and their penalties, and to the rules and regulations of the State Forestry Board, which notices shall be distributed by the State Forester to forest wardens and posted by them in conspicuous places upon State forest reserves and along the highways.

§ 18. The salary of the State Forester shall be fixed by the State Forestry Board and shall not exceed $2,500 per annum and he shall be paid reasonable traveling and field

expenses actually incurred in the performance of his official duties.

§ 19. Whenever the State Board of Forestry considers it necessary it may apply to the Governor to commission such persons as it may designate to act as forest wardens of this State, to enforce the forest laws and under the direction of the Board to aid in carrying out the purposes of this act, but they shall be subject to removal at any time at the pleasure of the State Board of Forestry. Such wardens shall receive such compensation from time to time as the State Board of Forestry may allow them for special services actually rendered, not exceeding $2 per day for each day of services. Forest wardens thus appointed shall, before entering upon the duties of their office, take the proper official oath before the clerk of the court of the county in which they reside; after which they shall, while holding said office, possess and exercise all the authority and power held and exercised by constables at common law and under the Statutes of this State, so far as arresting and prosecuting persons for violations of any of the laws or rules and regulations enacted or made to be enacted or made for the protection of the State Forestry Reserves, or for the protection of the fish and game contained therein, are concerned.

§ 20. It shall be the duty of the forest wardens to enforce all forest laws of this State; to protect the State forest reserves and to see that all rules, regulations and laws are enforced; to report violations of the law to the State Forester; to assist in apprehending and convicting offenders, and to make an annual report to him as to forest conditions in their immediate neighborhood. When any forest warden shall see or have reported to him a forest fire, it shall be his duty immediately to repair to the scene of the fire and employ such persons and means as in his judgment seem expedient and necessary to extinguish said fire. He shall keep an

itemized account of all expenses thus incurred and send such account imediately to the State Forester.

§ 21. The Fiscal Courts or Boards of County Commissioners of the several counties of this State are hereby authorized to levy and appropriate money for purposes of forest protection, improvement and management; and said Fiscal Courts and Boards shall have recourse under an action at law for debt against any land owner, individual or corporation on whose account they shall have been obliged to pay out money for fighting fire for the amount for which they shall have expended for such purpose.

§ 22. Whoever violates any rule or regulation for the government or use of any State reservation or park, or road or boulevard traversing the same, shall, for such offense, be punished by a fine of not less than five dollars nor more than fifty dollars, and if the person so fined neglects or refuses to pay the same he shall be committed to the jail of the county there to remain until such fine is paid, but not longer than one day for each and every two dollars of the fine imposed.

§ 23. Any person or persons who shall kindle fires upon any of the forestry reservations of this Commonwealth, except in accordance with such rules and regulations as may be prescribed by the said Board of Forestry, or who shall cut and remove any timber whatever, or who shall do or cause to be done any act that will damage forest lands or timber belonging to the Commonwealth, shall be guilty of a misdemeanor and upon conviction thereof be subject to a penalty not exceeding five hundred dollars ($500) for each offense committed with costs of suit. If the defendant or defendants neglect or refuse to pay the penalty and costs imposed, he or they shall be committed to the jail of the county there to remain until such penalty and costs are paid,

but no longer than one day for each and every two dollars of the fine and costs imposed.

§ 24. It shall be unlawful for any person or corporation, or land owner, to set, or procure another to set fire to any woods, brush, logs, leaves, grass or clearing upon their own land, unless they shall have previously taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be prima facie proof of wilfullness or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire, and also for the cost of fighting and extinguishing the same.

§ 25. Logging and railroad locomotives, donkey or threshing engines, and other engines and boilers, operated in, through, or near forest or bush, which do not burn oil as fuel, shall be provided with appliances to prevent as far as may be possible the escape of fire and sparks from the smokestacks thereof and with devices to prevent as far as may be possible the escape of fire from ashpans and fire boxes. Failure to comply with these requirements shall be a misdemeanor, punishable, upon conviction, by fine of not less than $10 nor more than $100 for each and every offense committed.

§ 26. All individuals and corporations causing fires by violation of any of the provisions of this act shall be liable to the State or the county in which the fire occurred for all damages the State or the county may sustain by such fire or fires and in addition thereto to the full amount of all ex-

penses incurred by the State or county in fighting or extinguishing said fire.

§ 27. Justices of the peace for this State, in the county wherein the offense shall have been commited, shall have the jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties, collectable under the provisions of this act, not exceeding the amount of $100 and of hlding the offender, under proper bail if necessary, for hearing before the Circuit Court, and committing him to the county jail until such hearing if the required bail is not furnished. It shall be the duty of the Commonwealth and County Attorneys of the several counties and Circuit Court districts to prosecute all violators of this act.

§ 28. All money received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, together with any amount obtained from the State Forestry Reserves, shall be paid into the State Treasury to the credit of the forest reserve fund, which fund is hereby created; and the moneys in said fund are hereby appropriated for purposes of forest protection, management, replacement and extension, under the direction of the State Board of Forestry.

§ 29. The said State Board of Forestry shall have assigned for its use a room in the State Capitol and shall be provided with furniture, stationery and supplies necessary for its use.

§ 30. For the purpose of carrying out the provisions of this act the sum of $15,000 per annum is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the use of the said State Board of Forestry.

§ 31. The State Board of Forestry may expend annually out of the appropriation for its use a sum of not exceeding $3,000 to be used in co-operative work with the Forestry Department of the United States Government under such terms as the said State Board may deem advantageous to the State, provided a like sum is furnished for said purpose by said Government, but the use of this amount or any part of it for this purpose is not obligatory upon the said State Board, unless in its judgment, the State will profit thereby.

§ 32. Section 9 of Chapter 90 of the Acts, 1906, and all laws or parts of laws in conflict with this act, are, to the extent of such conflict, hereby repealed.

Mr. Price offered the following amendment to said bill:

Amend by striking out the word "five" in line two, Section 1, and insert in lieu thereof the word "six."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene Asher
Eli Berry
E. Bishop
H. C. Blades
Wallace Brown
Wm. L. Bowling
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
Ben F. Egleston
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
Elwood Hamilton
L. B. Herrington
John W. Holland
James R. Howell
R. Dillard Hunter
Charles H. Knight
William J. Kuhn
James A. Leach
J. Albert Leach
F. A. Lochry
B. J. Matthews
Harry J. Meyers
R. C. McClure
Charles D. McCrea
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
W. H. Shanks
Adam Spahn
John G. Stoll
D. B. Thurman
Louis B. Tieman
J. H. Williams
Charles Yancy
Edward L. Young
—53

Those who voted in the negative were—

William Ahl
Robert H. Akin
George Baker
J. M. Bean
A. V. Bertram
Thos. M. Bertram
John F. Brewer
Hiram Brown
C. W. Burton
Henry Chunn
J. H. Elder
Eli Farmer
Joe Hall
V. D. Hammond
A. B. Hatton
A. B. Holland
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
L. B. Owen
W. F. Parker
S. H. Rogers
Walter S. Sinclair
E. B. Thompson
Yeaman Watkins
—27

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 445. An act concerning annuities for aged, infirm, disabled, diseased or retired teachers in cities of the first class providing for the payment of such annuities out of a fund to which teachers shall contribute, providing for a board of trustees for the management and distribution of such funds and prescribing regulations relative to the mode of obtaining, preserving, using and disbursing such fund and providing that the Treasurer of the Board of Education shall be treasurer of said fund.

Said bill reads as follows, viz.:

Whereas, securing annuities to disabled and retired teachers in public schools after long and faithful service is believed to be an effective means for furthering the better maintenance of such schools; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In every city of the first class in the State of Kentucky there shall be, and is hereby created, a teachers' annuity fund, which shall be governed and managed by a board of trustees, which shall be a body corporate under the name of Trustees of Teachers' Annuity Fund of Louisville, with power to contract and to sue and be sued, and to adopt and alter its seal, and which shall be composed of seven members, as follows: One member of the Board of Education of such city, to be selected or appointed annually by such board, the superintendent of public schools, one principal and four teachers regularly employed in the public schools of such city. Said principal and teachers of such city shall be selected at a meeting of the public school teachers of such city on the third Saturday of May, 1912, in such manner and at such place or places as shall be determined and designated by the Board of Education of such city; and thereafter there

shall be selected on the third Saturday of May of each year one principal and three teachers as members of such board of trustees. The trustees shall hold their offices until their successors shall be selected or elected as above set forth. In the event of a vacancy upon said board occasioned by the death, resignation or disability of either of said principal or teachers, then the public school teachers of said city shall, within a reasonable time, upon the call of the president of said board of trustees, hold a special meeting and elect a successor or successors. A majority of said trustees shall constitute a quorum for the transaction of business pertaining to said annuity fund. Said trustees shall receive no pay for their services as such, except the secretary, who may be paid such sum for services as may be fixed by the board of trustees; Provided, however, that if any one shall act as such secretary who shall receive any of the benefits of said pension fund, as hereinafter provided, the amount of the salary so received by such secretary shall be deducted from the amount for which he or she would otherwise be entitled as a beneficiary under said fund.

§ 2. Said board of trustees shall elect from among its number a president, vice president and secretary. The president shall preside at the meeting of the board and perform all other duties usual to such office. The vice president shall perform duties of the president in his or her absence. It shall be the duty of the secretary to keep a true and accurate account of the proceedings of such board of trustees and of the teachers of such city, when acting upon matters with relation to said fund, and to turn over to his or her successor all books and papers pertaining to such office. The superintendent of schools of such city shall act as assistant treasurer, and it shall be his duty to keep a true and accurate statement of the account of each member with said annuity fund, to collect and turn over to the treasurer of said board all moneys belonging to said fund, and to render to the board

a monthly account of his doings. He shall furnish bond in such amount as shall be determined and required by said board of trustees. He shall receive no compensation for attending to the duties of his office as assistant treasurer of said board, but the trustees may allow to him annually for the employment of clerical assistance a sum not to exceed two hundred dollars, for the expenditure of which he shall account by full statement, with vouchers which shall be filed with his anual report hereinafter mentioned. The treasurer of the Board of Education shall be ex-officio the treasurer of said Board of Trustees, and he shall receive and hold all moneys belonging to such teachers' annuity fund; he shall have the custody of all notes, bonds and other securities belonging to said fund, and shall collect the principal and interest of the same and shall be liable on his bond as treasurer of the Board of Education for the performance of all the duties imposed upon him by this act and for the faithful accounting of all moneys and securities, including both principal and interest, which may come into his hands and which shall belong to such annuity fund. And he shall keep a separate account which shall show at all times the true condition of such fund. Said treasurer shall, upon the expiration of his term of office, account to said board for all moneys, notes, bonds and other securities coming into his hands, and for the interest, income, profits, rentals and proceeds of and from the same, and he shall turn over to his successor all moneys, notes, bonds and other securities belonging to said fund. The secretary, treasurer and assistant treasurer shall each make a full, true and accurate report of their offices and trusts at each annual meeting of such teachers in May of each year. Their books shall at all times be open to inspection or examination by any member of said board of trustees.

§ 3. Such board of trustees shall have full charge and control of the teachers' annuity fund of such city with power

to adopt and enforce all needful regulations governing the same, not inconsistent with this act. Said fund shall be derived from the following sources:

First. All moneys that may be given to said board of trustees or to said fund or to the board of education of such city, for the use of said board of trustees of teachers' annuity fund, by any person or persons. Such board of trustees may take by gift, grant, devise or bequest, any money, choses in action, personal property, real estate, or any interest therein, and any such gift, grant, devise or bequest may be absolute, or upon the condition that only the rent, profits and income arising from the same shall be applied to the uses and purposes of said fund. Such board of trustees shall be authorized to take such gift, grant, devise or bequest under and by the style of the board of trustees of the teachers' annuity fund, of such city, and to hold the same, or assign, transfer or sell the same, whenever proper and necessary, under and by such name.

Second. Every teacher shall be assessed upon his or her salary as follows: One per centum per annum (but not more than $10) upon the salary of every teacher who shall not have taught in excess of fifteen (15) years; and two per centum per annum (but not to exceed $20) upon the salary of every teacher who shall have taught longer than fifteen (15) years; Provided, however, that such assessment shall not be made prior to the first day of September, 1912. And the assistant treasurer of such board of trustees shall prepare a roll of each of said assessments and place opposite the name of every teacher the amount of assessment against him or her, and shall furnish a copy of such roll to the treasurer, and the treasurer of said board shall, in November and April of each school year, deduct and retain out of the salary going to such teacher the amount of such assessment, and shall give him or her credit for the same and place the same

to the credit of said teachers' annuity fund. Every teacher of such city receiving a salary of four hundred and fifty dollars ($450) a year or more shall pay such assessment, and in becoming a teacher he or she shall be conclusively deemed to undertake and agree to pay the same, and to have such assessment deducted from his or her salary as hereinbefore provided.

§ 4. The board of trustees of such teachers' annuity fund shall determine what part of said fund may be safely invested, and how much shall be retained for the immediate needs, demands and exigencies of said fund. Such investment shall be made: (1) In interest-bearing bonds of the United States, or in any bond lawfully issued by any State, county, city or other municipal corporation; (2) loans secured by mortgage upon real estate within the county wherein such city is located, which loans shall not be in excess of fifty per centum of the appraised value of such real estate; (3) In interest-bearing deposits at not less than three per cent with banks or trust companies of Louisville, said deposits to be secured to their full amount with interest, by securities mentioned in classes (1) and (2) of this section. All bonds, mortgages and other securities shall be deposited with and remain in the custody of the treasurer of said board, who shall collect all interest due thereon and all the income therefrom, as the same shall become due and payable.

§ 5. The board of trustees of such teachers' annuity fund shall establish a sinking fund; to the credit of which shall be put and deposited all gifts, grants, devises and bequests, and the unexpended balance remaining at the expiration of each fiscal year. And such sinking fund shall be and remain a permanent fund, and no part thereof shall be expended except the interest and income thereof and therefrom; provided, however, that one-half of the amount added to such sinking fund during any year may be used, if necessary, during the year immediately following.

§ 6. Said teachers' annuity fund shall be used and devoted in the manner and for the purposes following:

First. The maximum annuity to be paid any teacher shall be four hundred dollars ($400) per annum, which amount shall be based upon a service of forty (40) years as such teacher, and every annuitant and beneficiary of said fund shall be entitled to and shall receive such percentage of said sum of four hundred dollars ($400) as the number of years' teaching of said pensioner and beneficiary shall bear to the term of forty years, subject, however, to all the provisions of this act.

Second. Any aged, infirm, diseased or disabled teacher, who is now or hereafter may be, teaching in the public schools of such city, having served in the schools of said city as such teacher for not less than twenty (20) years, and who shall have been relieved from service as such teacher by the Board of Education upon the ground of his or her infirmity, disease or disability, shall be entitled to receive a disability annuity; provided said board of trustees shall find that he or she is entitled to the same by reason of such age, disease, infirmity or disability, and after such applicant for an annuity shall have been examined by a physician selected for such purpose by said board of trustees, the examination fee or charge of such physician to be paid by the applicant.

Third. Any teacher who is now or hereafter may be teaching in the public schools of such city, and shall have taught for not less than thirty (30) years may be granted an annuity upon application to said board of trustees, or may be granted an annuity by such board without such application and shall thereafter receive an annuity during the remainder of his or her life, subject, however, to all the conditions in this act; provided, however, that such annuitant shall have paid into said fund, by way of assessment or otherwise, not

less than the whole of the amount to which he or she shall be entitled per annum as a annuitant. And in order to make up such amount, the board of trustees may order the treasurer to deduct one-fifth thereof in each of the first five years from the amount of such annuity. If at any time there should not be sufficient money in or to the credit of said teachers' annuity fund to pay all claims against it in full, then and in such event, an equal percentage shall be paid upon all such claims to the full extent of the funds on hand, until such annuity fund shall be sufficient to pay all claims against it in full.

§ 7. In computing years of service as provided in this act, the board of trustees shall not include service as a public school teacher rendered outside of such city, provided, however, that any teacher may be given a leave of absence for study, professional improvement or temporary disability, not exceeding one year at any one time, and shall be regarded as a teacher and entitled to the benefits of this act; provided that during such absence he or she continue to pay into such fund the amount of assessment payable by such teacher the last year preceding such leave of absence.

§ 8. After any teacher shall have been granted an annuity by reason of injury, disability or disease, the board of trustees shall have the right at any time to cause such teacher again to be brought before such board and examined by its physician, and also to examine other witnesses, for the purpose of ascertaining whether said injury, disability or disease shall still continue and whether such teacher shall remain on the roll as an annuitant. Such teacher shall be entitled to notice and to be present at the hearing of any such evidence; shall be permitted to propound any question pertinent or relevant to such matter, and shall also have the right to introduce evidence upon his or her own behalf. Such teacher and all witnesses shall

be examined under oath, and any member of such board of trustees is hereby authorized and empowered to administer such oath. The decision of such board of trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor shall the same be reviewable by any court or other authority; provided, however, that every teacher receiving annuity shall report to the superintendent of public schools of such city whenever required so to do. And said superintendent may assign such teacher to such service or employment as may be within his or her power to perform, in the judgment of such superintendent of public schools and of examining physician employed by the said board of trustees. And during the time of such employment such teacher shall receive the regular salary therefor, which shall be credited to and deducted from the amount payable to such teacher from said annuity fund. And should any teacher who is receiving an annuity recover from his or her injury, disease or disability, and again be fit for regular duty, then such teacher may again be regularly employed, and during the time of such employment, he or she shall cease to be entitled to any payment out of said annuity fund because of the injury, disease or disability on account of which such teacher was originally retired.

§ 9. Any teacher applying for an annuity by reason of length of time of service as in this act provided, shall be granted an annuity and retired without any medical examination, nor need he or she be under any physical disability, and from the time of such granting of annuity and retirement such teacher shall not be required to render further services as such teacher, nor shall he or she be deprived of the benefits herein provided, except for any cause contained in Section 16 of this act.

§ 10. In computing time under the provisions of this act, such time shall include services rendered before, as well as after, the taking effect of this act.

§ 11. The board of trustees shall have power and authority to make all necessary by-laws providing for the manner of the election of such trustees, to be elected as in this act provided, the counting and canvassing of the votes for the same, their meetings, for the collection of all moneys and other property coming or belonging to said fund, and all other matters connected with the care, preservation and disbursement of the same, and the proper execution of the purposes and provisions of this act. And any annuity authorized by the board under this law shall be subject to reduction by said board of trustees whenever in its judgment the condition of the annuity fund, the financial or other conditions of the annuitant or any other circumstances render such reduction advisable, proper or necessary, and any annuity so reduced may thereafter be restored or increased, as such board may deem best.

§ 12. Any teacher who shall cease to teach in the public schools of such city before receiving any benefit from the fund, shall be entitled to the return of one-half of the amount, without interest, which shall have been paid into said annuity fund by such teacher; provided, however, should such teacher thereafter again teach in the public schools of such city, he or she shall refund to said annuity fund the amount so returned to such teacher within one year from the date of his or her return to service in the schools. And should any teacher die before receiving any of the benefits or pensions by this act provided, the board of trustees shall pay to such teacher's heirs or estate, or either or any of them, as it shall see fit, one-half the amount, without interest, which shall have been paid into said annuity fund by said teacher.

§ 13. All annuities herein provided for shall be paid to the treasurer of the Board of Education at his office at such times and in such installments as the trustees may determine, provided that not less than one-third of each annuity or percentage thereof shall be paid before December 15, and the balance not later than June 1 of each scholastic year. Provided, further, that no annuity of any kind whatsoever provided for in this act shall be payable prior to October 1, 1915; but simple interest at six per cent per annum shall, until said date, run on any annuity beginning with the 1st of June of the scholastic year in which the right thereto may accrue.

§ 14. All annuities granted and payable out of said teachers' annuity fund shall be and are exempt from seizure or levy upon attachment, execution, supplemental process, and all other process, whether mesne or final; and such annuities or any payment of the same shall not be subject to sale, assignment or transfer by any beneficiary, and such transfer shall be absolutely void.

§ 15. Whenever any person who shall have received any benefit from said fund shall be convicted of any felony, or of any misdemeanor or for which he or she shall be adjudged to be imprisoned, or shall fail to report for examination for duty as required herein, unless excused by the board of trustees of such city, or shall disobey the requirements of said board of trustees in respect to said examination for duty, or shall fail to perform such duty as may be required of him or her if found able to perform such duty, then such board shall order that the annuity allowed and paid to him or her shall cease, until the further order of such board.

§ 16. The term teacher as used in this act shall mean and include any principal, assistant principal, supervisor,

assistant supervisor, person in charge of any special department of instruction, and any teacher or instructor regularly employed as such by the Board of Education of such city.

§ 17. Annuities may be applied for under this act on or after December 1, 1912, by any teacher who, after the approval of this act, shall be in the employ of said Board of Education and be entitled to an annuity under the terms of this act.

§ 18. The general school laws of this State, and all laws and parts of laws applicable to the general system of common schools in a city of the first class and not inconsistent herewith, shall be in full force and effect in such city.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	D. Clarence Gray
Robert H. Akin	G. E. Carroll	T. J. Gregory
Eugene G. Asher	Elkanah Dickey	Joe Hall
George Baker	Francis B. Douglas	Elwood Hamilton
A. V. Bertram	Ben F. Egleston	V. D. Hammond
E. Bishop	Eli Farmer	A. B. Hatton
H. C. Blades	John M. Farra	A. B. Holland
Wallace Brown	S. Walton Forgy	John W. Holland
Wm. L. Bowling	John F. Fryer	Earl C. Huntsman

W. J. Jackson	Ben E. Niles	John G. Stoll
Green R. Keller	L. B. Owen	C. B. Thompson
Charles H. Knight	A. W. Palmer	E. B. Thompson
William J. Kuh	W. F. Parker	Louis B. Tieman
James A. Leach	William A. Perry	Yeaman Watkins
J. Albert Leach	Marion F. Pogue	David W. Wiley
F. A. Lochry	W. A. Price	J. H. Williams
B. J. Matthews	S. L. Robertson	Charles Yancy
Harry J. Meyers	Walter S. Sinclair	Edward L. Young
Charles D. McCrea	W. Scott Smith	—58
C. B. Nichols	Adam Spahn	

Those who voted in the negative were—

John G. Kelley	R. C. McClure	W. H. Shanks

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Resolved that the title thereof be as aforesaid.

Mr. Knight moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 233. An act to amend an act entitled an act for the government of cities of the fourth class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act for the government of cities of the fourth class," approved June 28, 1903, and that part of same constituting Section 3490 of Carroll's Kentucky Statutes, 1909 Edition, be and the same is hereby

amended by adding after Subsection 34 of said section of Kentucky Statutes, and as Subsection 35 thereof, the following:

"The board of council may, by ordinance, provide in what manner and for what purpose or purposes any profits, earnings, or surplus funds arising or accruing from the operation of any system of waterworks, lighting plant, or other public utility owned or operated by such city, may be used and extended; and until such ordinance, which may be changed or repealed by the board of council from time to time, shall be enacted any surplus earnings shall be paid into and become a part of the funds in the hands of the treasurer of such city to be expended for the general purposes and uses of government in such city as a part of the ordinary fund thereof."

So that said section, when amended, shall read as follows:

3490. GENERAL POWERS OF THE COUNCIL.—The board of council, in addition to other powers herein granted, shall have power within the city (to fill vacancies, Secs. 3551, 3552):

1. Ordinances, licenses and taxes. - To pass ordinances not in conflict with the Constitution or laws of this State or of the United States, and to impose and collect license fees and taxes on stock used for breeding purposes, and on all franchises, trades, occupations and professions.

2. Levy and collection of ad valorem taxes. To levy and collect for municipal purposes an annual ad valorem tax not exceeding seventy-five cents on every hundred dollars of all property made taxable by law for State purposes; in ad-

dition not exceeding fifty cents on the hundred dollars' worth of property taxable for State purposes, for the maintenance of public schools, or the erection of buildings for public school purposes; and not exceeding fifty cents to meet the principal and interest of any bonded debt hereinafter authorized; and not exceeding one dollar to meet the principal and interest on, and provide a sinking fund for the extinction of any bonded debt contracted before the adoption of the present Constitution, provided no greater levy to pay such indebtedness be authorized by the laws existing at the time of the creation of such debt. (Section as amended by act March 24, 1904, p. 270. See important act, Chapter 108a, and Con., Sections 157-159, 180, 181.)

3. Levy and collection of poll-tax. To levy and collect annually, upon every male resident of the city, twenty-one years of age or over, a head or personal tax, of not exceeding one dollar and fifty cents per capita.

4. To borrow money. To borrow money for making public improvements, upon the credit of the city, and pledge the revenue for the payment thereof; but the bonded indebtedness so created shall not exceed the constitutional limitation at any time.

5. To appropriate money. To appropriate money to provide for the payment of the debts and expenses of the city.

6. Health—quarantine laws—hospitals and pesthouses. To make regulations to prevent the introduction or spreading of contagious or infections diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within one mile of the city; to establish and regulate hospitals or pesthouses in or outside of the city; to make all regulations necessary to secure the general health of the in-

habitants of the city, and to regulate and provide for the burial of the dead.

7. Nuisances—abatement—punishment. To prevent and remove nuisances at the cost of the owners or occupants, or of the parties upon whose ground they exist, and define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish by fine any person for causing or permitting a nuisance.

8. To provide city with water. To provide the city with water, or erect, purchase, or lease waterworks and maintain same, or to make all necessary contracts with any person or corporation for such purposes; to erect hydrants, cisterns, fire-plugs and pumps in the streets within or beyond the limits of the city.

9. Sewers constructed at cost of owners—lien for—council may pay part. To construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost, including the intersections of constructing same, to an amount not exceeding one dollar per front foot of the abutting property, upon the lots and lands bounding or abutting upon said streets, alleys or highways in, under and along which the sewers shall have been constructed; the cost of the construction of sewers not exceeding said sum of one dollar per front foot of the abutting property, shall be appropriated equally on the said abutting lot owners according to the front or abutting feet. When the amount of the quotient, after dividing the entire cost of the construction of the sewer, as estimated and computed to the general council by the engineer by the front or abutting foot, exceeds the sum of one dollar per front or abutting foot, then, and in that event, the entire cost of construction of said sewer shall be assessed upon the lots and lands in

the district of said sewer which may be benefited thereby, according to the benefits received, and the said districts shall be defined before the improvement is made, and in every such case the council shall, by ordinance, fix and determine the amount of tax to be levied upon the several lots or lands so benefited. The general council may, however, out of the general fund, contribute and pay toward the construction of such sewer such part of the cost thereof as may to the council seem proper. The tax provided for in this section shall be a lien upon such abutting property or benefited property, as the case may be, and may be collected and enforced as street improvement liens are collected and enforced, but the amount of sewer tax assessed against any lot or land shall in no event exceed one dollar per front or abutting foot. Nothing herein shall be so construed as to prevent the board of council from paying for all or any part of any sewer or sewers constructed under this act. (Subsection as amended by act of March 22, 1902.)

10. Lighting of streets and houses. To provide for the lighting of the streets, market houses and other public buildings, rooms and offices, with gas, or in any manner.

11. Market houses. To erect market houses, and provide for the government and regulation thereof.

12. License, auctioneers, merchants, etc. To license, tax and regulate auctioneers, merchants, retailers' stores, peddlers, brokers, pawnbrokers, tobacco factors, public halls, lectures, concerts and other places of amusements, or any trade, occupation or profession.

13. License regulation and suppression of amusements. To license, tax, regulate or suppress lectures, theatrical and other exhibitions, circuses, shows and amusements within said city, or within one-half mile of the limits thereof.

14. Billiard-tables, shooting-galleries, bowling-alleys—drunkenness—gaming and disorderly houses—vagrants and prostitutes—auction sales. To license, regulate or tax, restrain and prohibit billiard-tables, shooting-galleries, skating-rinks, lottery offices of lotteries legally authorized by the State of Kentucky, or agents thereof; bowling-saloons and tenpin alleys; to pass ordinances inflicting fines on drunkenness and breaches of the peace; for keeping gaming houses, bawdy or disorderly houses of any kind. To restrain, suppress and punish indecent or obscene conduct or exhibition, or the use of obscene or profane language; and to restrain and punish vagrants, prostitutes, rakes and whoremongers; and to license, tax and regulate auction sales within the city limits: Provided, That no billiard-table, pool-table, pigeonhole table or bowling-alley shall be allowed to be kept, with or without playing thereon, in any room where liquors are sold at retail to be drunk on the premises.

15. License and regulation of vehicles—other occupations. To license, tax and regulate wagons, drays, hacks and all kinds of vehicles and livery stables, porkhouses, exchange offices, telegraph offices, insurance offices, or the agents keeping the same; express offices, or agents of the same; real estate agents, hotels, taverns, restaurants, clubs, public boarding-houses entertaining transient guests, or other houses of public resort or entertainment; or any other business or occupation licensed or taxed by the State; and to license and tax any carrier of passengers or freight for hire within the city.

16. Extinguishment of fires—regulate erection of buildings. The council shall have power to provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; to provide for or elect firemen, prescribe their duties and fix their compensation; and the volunteer members of such companies who receive no pay shall be

exempt from serving on juries in the city court and from paying poll-tax so long as they remain active members of such company. Also, to regulate and restrain the erection of wooden buildings, and to provide for the removal of same when built contrary to the ordinances of the city, and to provide for the condemnation and removal of unsafe walls, and to require that all new buildings shall be erected as to their safety, subject to the approval of the city engineer or other designated authority: Provided, No building shall be erected except by permission of the board of council.

17. Regulate storage of explosives and provide against fires. To regulate the storage of gunpowder, rosin, tar, pitch, cotton, oil and all other explosives and combustible material, and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may designate, in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in safe order and condition.

18. Public scales—public weigher—weights and measures. To erect and keep in repair accurate public scales, and to appoint a public weigher or weighers to attend to the same, and to fix fees and compensation for his services; to establish standard weights and measures and to regulate the weights and measures to be used in all cases where the same are not provided for by law.

19. Coal weighed—oil inspected. To pass ordinances requiring all coal sold and to be delivered in or out of the city to be weighed by the public weigher, and to fix adequate penalties for the violation of the same. Also, requiring all illuminating oils being sold in the city to be inspected by the public inspector.

20. Location of slaughter houses, livery stables, etc. To control, regulate and determine the use and location of butchers' shops, slaughter houses, glue factories, breweries, distilleries, livery stables, blacksmith shops and foundries.

21. Inspection of butter and other provisions. To provide for and regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, and all other articles of food for consumption within the city limits.

22. Workhouse, poorhouse—burial ground—public library. To erect a workhouse, poorhouse, stationhouse and house of correction, or all or either of them, and to provide for the maintenance, regulation and government thereof, and of the persons confined therein, and to provide, maintain and regulate a public burial ground; to establish, maintain and regulate a local public library, and raise subscriptions, donations and gifts thereto.

23. Persons convicted and placed on public works. To exact and compel persons arrested and held under a capias pro fine from the police or city court to perform such reasonable work as may not be detrimental to health, either in any workhouse, stationhouse or county jail, or on the streets of said city, or in preparing curbing or other material for the same, or to do any other useful labor on public property; to regulate such labor and fix the wages to be allowed therefor.

24. Ordinance fixing penalties—warrant or summons. To fix, by ordinance, the penalty for the violation of the provisions of this charter, or any municipal ordinance or by-law, and enforce the same by warrant or summons, and no indictment shall be necessary.

25. Grant to railway, light, telephone and other companies—regulations. The board of council may grant the right of way over the public streets or public grounds of the city to any railway company or street railroad company, on such conditions as to them may seem proper, and shall have a supervising control over the use of same, and shall regulate the speed of cars and signals and fare on street cars; and under like condition and supervision may grant the right of way that may be necessary to gas companies, water companies, electric light companies, telephone companies, or any like companies; and may compel any railroad company to erect and maintain gates at any or all street crossings, and to prevent railways from blocking or obstructing the streets or public ways of the city, and to fix penalties for the violation of these provisions: Provided, That nothing herein shall be construed to prevent any property owner, whose property may abut on a street on which a railway may be granted a right of way from recovering from such railway any damages that may be done to said property by the occupation or uses of said street by such railroad.

26. Power to incur indebtedness—taxation to pay—bonds. The board of council aside from the indebtedness herein authorized shall have no power to incur an indebtedness on behalf of the city which cannot be met out of the revenue of the current fiscal year; but nothing contained in this act shall be construed to prevent any city having an indebtedness contracted under laws existing at the date of the adoption of the present Constitution of Kentucky from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, or in this act, in addition to the taxes herein authorized to be levied and collected; and in payment of the bonded and floating debt of any such city existing at the time of the passage of this act, authorized by law, the board of

council may issue renewal bonds or funding bonds, bearing not exceeding six per cent per annum interest: Provided, That the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt, and said renewal and floating bonds shall not be sold for less than par and accrued interest. All bonds issued by any city shall be signed by the mayor or chief executive, and countersigned by the clerk of the city, with the seal of the city affixed thereto. (Section as amended by act March 24, 1904, p. 271.)

27. Liquors—license, regulation or restraint of safe—fee. The council shall have power, by ordinance, to license, permit, regulate or restrain the sale of all kinds of vinous, spirituous or malt liquors within the limits of the city, or to restrain or prohibit the sale thereof within one mile of the limits thereof, provided nothing herein shall be construed as granting the power or right to one town or city to license, permit, regulate, restrain or prohibit the sale of vinous, spirituous or malt liquors in any other town or city, and may fix the penalty or fine for violation of an ordinance under this section at any sum not exceeding one hundred dollars: Provided, That no license to sell such liquors, to be drunk on the premises were sold, granted under this section, shall be for a less amount than two hundred and fifty dollars nor for a greater amount than one thousand dollars. For license to sell same by retail, for medical purposes, they may charge not less than fifty dollars nor more than five hundred dollars. For license to sell same by retail in quantities not less than a quart they may charge not less than one hundred dollars nor more than five hundred dollars. The board of council shall, at any time, have the power and authority to refuse to grant any license, and to suspend or revoke any license granted under or by virtue of the authority conferred by this section, when the board shall deem it necessary so to do in order to preserve the peace or good morals of said towns,

and said board of counsel shall be exclusive judges of the necessity.

28. Purchase of real estate. The board of council shall have the right to purchase any real estate they in their opinion may need for city purposes; Provided, no such purchase shall be made unless same is authorized by the affirmative vote of two-thirds of the members of the council; but all personal property necessary for the use of said city may be purchased as provided by the council.

29. Sale or disposition of property of city. The board of council, by an affirmative vote of two-thirds of the members, can have power to sell and dispose of such property as the city may have the title to.

30. Punishment for damaging waterworks—supervision. The board of council shall have power, by ordinance, to prescribe the punishment by fine, not exceeding one hundred dollars, or imprisonment not exceeding sixty days, of any person who shall molest, damage or interfere with any system of waterworks laid in said city, or the pipes and mains, hydrants, or any part thereof, and shall have power to punish by ordinance and impose the same penalty as for damaging or molesting any other public property; and may, subject to the rules of any water company which may establish such system, select persons who shall have the right to open, tap or make connection with such pipes or mains in streets, alleys, or public ways of said city.

31. May establish and maintain a pound—stock running at large. The board of council shall have the right to establish and maintain a pound, and make proper regulations for the impounding, keeping stock, fixing fees for same, and release of same, and regulate and prohibit the running at large of stock on the streets of the city.

32. Manufacturing establishments may be exempted from taxation. The board of council may, by ordinance, exempt manufacturing establishments and machinery from taxation for a period not exceeding five years from the establishment in said city.

33. By-laws and ordinances—change of boundary lines of wards. Said city council shall have legislative power to make by-laws and ordinances for the carrying into effect of all the powers herein granted for the government of the city, and to do all things properly belonging to the police of incorporated cities. Said board of council may change the boardary line of any ward or wards of any city now divided into wards, or hereafter divided into wards, under the provisions of this act, not less than sixty days previous to any November election.

34. Indebtedness authorized by vote of the people—election—taxation. If at any time the board of council shall deem it necessary to incur any indebtedness, the payment of which cannot be met without exceeding the income and revenue provided for the city for that particular year, they shall give notice of an election by the qualified electors of the town to be held, to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of the indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as herein provided. Such notice shall be published for at least two weeks in some newspaper published in, or of general circulation in such town, or by posting written or printed notices at three or more public places in such town. If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified electors in such town shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of council to pass an

ordinance providing for the mode of creating such indebtedness, and of paying the same. But such indebtedness shall not in any event exceed the limit provided in the Constitution for cities of the fourth class, and in such ordinances provisions shall be made for the levy and collection of an annual tax upon all real and personal property subject to taxation within such town, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

35. The board of council may, by ordinance, provide in what manner and for what purpose or purposes any profits, earnings, or surplus funds arising or accruing from the operation of any system of waterworks, lighting plant, or other public utility owned or operated by such city, may be used and extended; and until such ordinance which may be changed or repealed by the board of council from time to time, shall be enacted, any such surplus earnings shall be paid into and become a part of the funds in the hands of the treasurer of such city to be expended for the general purposes and uses of government in such city as a part of the ordinary fund thereof.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	T. J. Gregory	A. W. Palmer
Robert H. Akin	Joe Hall	W. F. Parker
Eugene G. Asher	V. D. Hammond	William A. Perry
George Baker	A. B. Hatton	W. V. Perry
A. V. Bertram	A. B. Holland	Marion F. Pogue
Thos. M. Bertram	W. J. Jackson	Stanley F. Reed
E. Bishop	Green R. Keller	S. H. Rogers
H. C. Blades	John G. Kelley	W. H. Shanks
Wallace Brown	W. E. King	Walter S. Sinclair
C. W. Burton	M. C. Kirk	W. Scott Smith
G. E. Carroll	William J. Kuh	Adam Spahn
Sidney G. Clay	James A. Leach	John G. Stoll
Sidney J. Collins	J. Albert Leach	C. B. Thompson
Elkanah Dickey	F. A. Lochry	Louis B. Tieman
Francis B. Douglas	B. J. Matthews	Yeaman Watkins
Ben F. Egleston	Harry J. Meyers	David W. Wiley
Eli Farmer	R. C. McClure	J. H. Williams
S. Walton Forgy	Charles D. McCrea	Charles Yancy
John F. Fryer	C. B. Nichols	Edward L. Young
D. Clarence Gray	L. B. Owen	—60

Those who voted in the negative were—

E. B. Thompson

—1

Resolved that the title thereof be as aforesaid.

Mr. Akin moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 329. An act to regulate the time of holding of the terms of the circuit courts in the Twentieth Judicial District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the terms of Circuit Court in the Twentieth Judicial District shall be as follows:

BOYD COUNTY, AT CATLETTSBURG.

Second Monday in January and continue twelve juridical days.

Second Monday in March and continue twenty-four juridical days.

Fourth Monday in April and continue twelve juridical days.

Second Monday in June and continue twenty-four juridical days.

First Monday in September and continue twelve juridical days.

Second Monday in November and continue thirty juridical days.

GREENUP COUNTY, AT GREENUP.

Fourth Monday in January and continue eighteen juridical days.

Second Monday in July and continue eighteen juridical days.

Third Monday in September and continue twelve juridical days.

LEWIS COUNTY, AT VANCEBURG.

Third Monday in February and continue eighteen juridical days.

Second Monday in May and continue eighteen juridical days.

First Monday in October and continue eighteen juridical days.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force on and after the 1st of August, 1912.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Joe Hall	W. F. Parker
Robert H. Akin	Elwood Hamilton	William A. Perry
Eugene G. Asher	A. B. Hatton	W. V. Perry
George Baker	A. B. Holland	Marion F. Pogue
E. Bishop	John W. Holland	John A. Polin
H. C. Blades	W. J. Jackson	W. A. Price
Wallace Brown	Green R. Keller	S. H. Rogers
C. W. Burton	John G. Kelley	W. H. Shanks
G. E. Carroll	W. E. King	Walter S. Sinclair
Sidney G. Clay	M. C. Kirk	W. Scott Smith
Sidney J. Collins	William J. Kuh	Adam Spahn
Elkanah Dickey	James A. Leach	John G. Stoll
Francis B. Douglas	J. Albert Leach	C. B. Thompson
Ben F. Egleston	F. A. Lochry	E. B. Thompson
Eli Farmer	B. J. Matthews	Louis B. Tieman
John M. Farra	Harry J. Meyers	David W. Wiley
S. Walton Forgy	R. C. McClure	J. H. Williams
John F. Fryer	Charles D. McCrea	Charles Yancy
D. Clarence Gray	C. B. Nichols	Edward L. Young
T. J. Gregory	L. B. Owen	—58

Resolved that the title thereof be as aforesaid.

Mr. Williams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. W. A. Perry moved that the rules be suspended and that a bill entitled,

H. B. 196. An act to amend Section 619, Kentucky Statutes, being Section 115 of an act entitled an act providing for the creation and regulation of private corporations which became a law April 5, 1893.

Be recommitted to the Committee on Insurance—Life and Accident with leave to report at any time.

Said motion was agreed to.

Mr. W. A. Perry moved that the rules be suspended and that a bill entitled,

H. B. 482. An act to amend an act entitled an act to provide for the establishment and maintenance in counties which contain a city of the first class a hospital for the treatment of persons afflicted with tuberculosis.

Be recommitted to the Committee on Municipalities with leave to report at any time.

Said motion was agreed to.

Mr. Clay moved that the rules be suspended and that a bill entitled,

H. B. 242. An act to promote the live stock interests in the State of Kentucky.

Be recommitted to the Committee on Racing Commission with leave to report any time.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted a joint resolution entitled,

S. Res. 21. Resolution providing for the appointment of a committee to investigate the feasibility of extending the street railway in Frankfort to the Capitol ground on the Shelby street side.

Ordered that said resolution lie on the Clerk's desk.

Mr. Hamilton moved that the Speaker be authorized and directed to appoint a committee of five members to act as conferees on the part of the House and that the Senate be asked to appoint a like committee to act as conferees on the part of the Senate to act in conjunction with said House Committee to take into consideration the matters of the difference between the House and Senate relative to a bill which originated in the Senate entitled,

S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Said motion was agreed to.

And thereupon the Speaker appointed Messrs. Hamilton, W. V. Perry, L. C. Owings, C. B. Thompson and Wallace Brown as said conferees on the part of the House.

Mr. Charlton B. Thompson moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 202. An act creating boards of education for cities of the second class providing for the election thereof defining their powers and duties and repealing all laws in conflict therewith.

Said motion was agreed to

Pending the further consideration of said bill,

Mr. Harry J. Meyers moved that the House do now adjourn.

Said motion was agreed to.